Benjamin Ragar 1818

THE

ORATIONS

OF

CICERO,

Translated into ENGLISH.

64

VOL. I.

Containing the

ORATIONS

For MILO.
Against CÆCILIUS.
For ARCHIAS the Poet.
For the MANILIAN *Law*.
For MARCELLUS.
For LIGARIUS.

The FOURTH EDITION,

In which the TEXT has been carefully REVISED ar[...]
CORRECTED, with ADDITIONAL NOTES[...]

LONDON:
Printed for T. WHIELDON and Co. No. 43, [...]
Fetter-Lane, Fleet-Street, M DCC LXXVII[...]

63

THE
ORATIONS
OF
Marcus Tullius Cicero,
Tranſlated into ENGLISH,

WITH

NOTES
HISTORICAL *and* CRITICAL,

AND

ARGUMENTS to Each.

By WILLIAM GUTHRIE, Eſq;

In THREE VOLUMES.

The FOURTH EDITION,
n which the TEXT has been carefully REVISED and CORRECTED, with ADDITIONAL NOTES.

His ego centenas auſim depoſcere voces;
Ut, quantum mihi te ſinuoſo in pectore fixi,
VOCE traham PURA; *totumque hoc* verba *reſignent,*
Quod latet arcanâ, *non enarrabile,* FIBRA.

PERSIUS, Sat. V.

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PREFACE

TO THE

ORATIONS,

BY THE TRANSLATOR.

I Believe there is now very little Doubt with Men of Senſe and Diſcernment, that the Antients were both our Maſters and Superiors in thoſe Arts of which any Specimens have ſurvived the Injuries of Time and Barbariſm. The Monuments of their Sculpture, their Drawing, their Architecture, and their Poetry, that have come to our Hands, are, to any but a Bigot, ſo many inconteſtable Proofs of this. The Partiality however, of late Times has, in ſome very few Inſtances of theſe Arts, ſet up Rivals to them among the Moderns, who, if

we were to admit the Aſſiſtance they borrowed from their Predeceſſors, as the Effects of their own Genius, ſeem to leave the Palm doubtful. But the Prize of Eloquence has, I think, remained undiſputed with the Antients; *true Eloquence* being the only Art, the Practice of which never ſurvived *Liberty*. Tyrants have in all Ages and Nations been known to encourage other Arts, becauſe by them they found their *Vanity* agreeably fed, their *Paſſions* ſoothed, their *Inclinations* flattered, their *Manners* recommended, their *Virtues* exaggerated, and their *Faults* diſguiſed. Perhaps *Ambition* itſelf had a great Influence in recommending all other Arts to their Protection and Encouragement, ſince the moſt refined Degree of this Paſſion, is that of having their Characters and Perſons tranſmitted to Poſterity, in ſuch Lights as might dazzle and amuſe the Mind, which might otherwiſe be buſied in exploring the Crimes by which they acquired, or the Inhumanity with which they exerciſed their *Power*. Thus we find the Names of the worſt of Men become familiar, nay, pleaſing to the Ear, when mingling with the bewitching Harmony of Poetry; and the Perſons of thoſe, who have been the *Deteſtation* of their own Age, become the

the *Delight* of a ſucceeding, when tranſmitted on the Medal, or the Marble wrought by an intelligent Artiſt.

But true Eloquence is built upon the *Love of Liberty*; to attain it, the Mind muſt poſſeſs itſelf of a Conſciouſneſs that the Tongue labours for the Glory and Happineſs of Mankind, and that both, in a great Meaſure, muſt redound to the Orator himſelf. Without this Conſciouſneſs, the Expreſſion may be *juſt*, the Diſpoſition *artful*, and the Concluſion *rational*, but ſtill it muſt be void of the *Spirit* and *Strength* that characterize a *Demoſthenes* or a *Cicero*. One may eaſily conceive what a noble Pride theſe great Men muſt have *felt*, while ſurrounded by a whole People, whoſe Reaſon, Paſſions, and Wiſhes, were guided by their Tongue, and controuled by their Action.

What a diſadvantageous Compariſon muſt this Idea create in the Mind betwixt either of theſe Orators, and thoſe who have ſucceeded them? The latter employed their Art in the Praiſes of ſome one Man or other; which, however merited, are incapable of communicating to the Reader the ſame Sentiments as

that of an Orator ſpeaking in an Aſſembly, where in *Liberty* he is equal, and in *Dignity* perhaps ſuperior to all who hear him. Hence proceeds that *commanding Power* which *Cicero* retains, when ſpeaking even before *Cæſar*, in the two celebrated Speeches which the Reader will find in the firſt Volume of this Tranſlation, I mean that for *Marcellus*, and that for *Ligarius:* In the former, every Compliment he beſtows on the *Perſonal, is a Laſh* upon the *Political* Character of that great Man. In the other, he has left it doubtful, whether he has not called him, tenacious and jealous of Power, as he was an *Uſurper*, to his Face. Thus we find, that *Cicero* could ſtill, though before *Cæſar*, retain that Dignity of Thought and Expreſſion, which became habitual, while his Power and Eloquence were honoured and ſupported by the higheſt Diſtinctions which his Country could beſtow.

This is the true Reaſon, why we muſt deſpair of ever ſeeing an Orator equal to *Cicero*, unleſs we were to ſee a State equal in Freedom and Dignity to *old Rome*, while her Conſtitution was unviolated.

They, who are acquainted with the *Roman* Hiſtory, are ſenſible of how much Efficacy

Eloquence

Eloquence was towards their great Men rifing into Power, and how neceffary for protecting and defending themfelves and their Friends after they had attained it. Even their *Military* Glory was but fecond to their *Forenfian*, fince it was chiefly by the latter, that they could hope to rife to the former. Hence it was, that the Men of Quality in *Rome* were fo univerfally learned in thofe Arts and Sciences which enter into the Compofition of a good Orator, and which almoft comprehend the whole Circle.

Grammar, which is generally looked upon as the firft, was indifpenfably neceffary for their fpeaking with Correctnefs. Without a Knowledge of HISTORY, efpecially that of their own Country, they never could have reafoned from Precedents, which in all Caufes has fuch decifive Weight. LOGIC, and the Arts of *Ratiocination*, were abfolutely neceffary towards the Arrangement and Difpofition of their Difcourfe. Without the Study of POETRY, and even a Mixture of *Poetic Genius*, they never could have touched the Paffions, and communicated Delight: Even the Knowledge of PAINTING and SCULPTURE is neceffary towards attaining that Juft-

neſs of Action, which was ſo very ſucceſsful in Addreſſes to a popular Aſſembly; and the Study of the proper Attitudes, we find, made a conſiderable Part of Knowledge in a finiſhed Orator, as well as Actor. The ſimple moving Music of the Antients could not but be of infinite Advantage, in forming the Voice to a proper Modulation, and a fine Ear is perhaps neceſſary for the happy Diſpoſition of the Periods. Thus Eloquence ſeems to combine more Arts than any other Study, and its Powers, when exerted to Perfection, we have Reaſon to believe, had the united Effect of them all.

I ſhall not pretend to prove this from Inſtances which occur almoſt in every Page of the Hiſtories of *Greece* and *Rome*; I ſhall only make a general Obſervation, which it may be of the utmoſt Conſequence for the Reader to carry in his Eye, if he would form a juſt Idea of our Author's Merit as an Orator, when compared to *Demoſthenes*, and the other great Maſters of that Art.

The Moderns, eſpecially the *French*, have fallen into a common beaten Topic of comparing the Character of theſe two great Men toge-

together, and generally proceed upon a Parallel of their Perſonal Qualifications. But, when we enter into that Diſquiſition, Perſonal Accompliſhments ought to be the very laſt Thing that ſhould come within our View. We are firſt to conſider for what End they ſpoke, and what was their Succeſs. The chief End which both laboured at, was to *convince*: But whom? Here lies the great Foundation for forming a juſt Character of theſe two great Fathers of Eloquence. The one was to convince the People of *Athens*, where every Man had within himſelf that pure Reaſon, and that exquiſite Harmony, which in *Rome* they required and expected from the Orator. The *Romans* had Paſſions, but, like Fire within Flint, they were to be ſtruck out, by the commanding Power of the Orator: They had Apprehenſion, but it was ſlow, and required to be awakened by the Touches of his Art. The *Greeks*, on the other hand, found their Paſſions touched, and their Underſtandings informed by almoſt every Object that preſented; they naturally had a Senſibility, of which the *Romans* were void, and a Quickneſs of Diſcernment, of which there has ſince their Days been no Inſtance. Among ſuch a People, an Orator, in order to

convince, muſt have been ridiculous to have applied any other Engine but Zeal animated by Truth, or at leaſt its Appearances. Every Man who heard him could eaſily ſee through all other Arts, and perhaps was as much Maſter of them as he was himſelf.

This Conſideration is the true Criterion by which the *Merits* of *Demoſthenes* and *Cicero* ought to be tried. We are to conſider, whether it required the greater Talents to *convince* a People, who to good Senſe joined an exquiſite Quickneſs of Apprehenſion, which was connected with the moſt extenſive Penetration; or a People who had indeed good Senſe, but ſlow, phlegmatic, confined, and whom the Art of the Orator was to ſupply with all theſe Means and Aſſiſtances, for quickening their Apprehenſion and enlivening their Paſſions, which the other People derived from other Studies and Objects. This I believe, from our Obſervation in common Life, will ſcarce admit of a Doubt; for when two Propoſitions are equally true, and a Deciſion founded on them equally difficult to be formed, it will require much leſs Art or Abilities to convince and determine a Man of a Character, ſuch as I have deſcribed the *Athenians*,

nians, than to do the ſame by one who ſhall reſemble, in his Character, that of the *Romans*.

From this Conſideration I can have no manner of Doubt in preferring the Eloquence of *Cicero*, as an Orator, to that of *Demoſthenes*. In the Compariſon betwixt the two formed by *Quintilian*, "*Demoſthenes* is ſaid to be more "compacted, *Cicero* more copious; the one "hems you cloſe in; the other fights at "Weapons Length; the one ſtudies ſtill, as "it were, to pierce by the Keenneſs; the "other to bear you down with the Fulneſs, "and the Weight of his Diſcourſe; in the "one there is nothing that can be curtailed, "in the other nothing that can be added; "the one owes more to Application, the "other to Genius.

"But in the Witty and the Pathetic, "which ſo ſtrongly ſway the Affections, the "*Roman* excels.

"But *Cicero* muſt in one Thing yield to "*Demoſthenes*, who lived before him, and "formed great Part of the *Roman* Excel- "lency: For to me it appears, that *Cicero*, "applying

" applying himſelf intirely to the Imitation " of the *Greeks*, united in this Manner, the " Force of *Demoſthenes*, the Copiouſneſs of " *Plato*, and the Sweetneſs of *Iſocrates:* Not " only did he extract what was excellent in " each of theſe, but, by the divine Pregnancy " of his own immortal Genius, he found the " Means to produce out *of himſelf*, moſt, or " rather all their characteriſtical Beauties: " For, (to uſe an Expreſſion of *Pindar*) he " does not fertilize his Genius by making a " Collection of the Waters that fall in Rain " from the Clouds; but, formed by the " kind Indulgence of Providence, he pours " along in a reſiſtleſs Flood, that Eloquence " may make an Experiment of all her Powers " in his Perſon."

" For, who can teach more inſtructively, " or who can move more ſtrongly? Did ever " Man poſſeſs ſuch Sweetneſs, as to make you " believe that you reſign with Willing- " neſs what he wreſts by Force! And tho' " the Judge is born down by his Power, yet " he feels not, that he is forced along, but " that he follows with Pleaſure. Nay, ſuch " is the commanding Character of all he ſays, " that you are aſhamed to differ from his

" Senti-

" Sentiments: He is not diſtinguiſhed by " the Zeal of a Council, but brings the " Conviction of whatever a Witneſs or a Judge " can ſay. Yet in the mean time all theſe " Excellencies, which in others are the la- " borious Acquiſitions of intenſe Applica- " tion, appear in him the eaſy Flow of " Nature; and his Eloquence, though ex- " quiſitely and beautifully finiſhed, appears " to be but the happy Turn of Genius.

" It was therefore not without Reaſon that " by his Cotemporaries he was ſaid to be " the Sovereign of the Bar: But, with Poſte- " rity, his Reputation roſe ſo high, that the " Name of *Cicero* appears not now to be " the Name of a Man, but of Eloquence her- " ſelf: Let us therefore keep him in our Eye; " let him be our Model; and let the Man " who has a ſtrong Paſſion for *Cicero* know " that he has made a Progreſs in Study."

This beautiful Paſſage I have thought fit to tranſlate, becauſe ſome Criticks pretend, that *Quintilian* has left the Preference betwixt *Cicero* and *Demoſthenes* doubtful. As to the Preference of Genius, I ſhall not preſume to determine any Thing, but if we

con-

consider the Writings of both, as they have come to our Hands, without regarding any Thing else, I think it is plain, that *Quintilian* has given it without the least Reserve for the *Romans*.

Having said thus much of my Author's, it remains that I should give some Account of my own Performance.

The Difficulty of translating the Orations of *Cicero*, may to an *English* Reader appear from this; that, though they have been often attempted by some of the most learned Men of a neighbouring Nation, yet I will venture to say, that there is not a single Page in all the Translations that have been published in *French*, in which the Sense has not either been grossly misunderstood, or intirely sunk. If, therefore, an *English* Reader, who is Master of *French*, shall find, in the following Translation, almost through every Page, many and material Passages translated different from what he has seen in the *French*, all the Favour I beg is, that he would first enquire before he shall condemn either Side.

But

But there remains ſtill a ſtronger Proof of the Difficulty of this Undertaking. Scarcely any Work of the Antients, that has come to our Hands, has had greater Men employed in illuſtrating the Meaning, and fixing the true Reading of the Original, than the Orations of *Cicero* have had; yet the one is ſtill more undetermined, and the other more uncertain, than any Thing we meet with in all Antiquity. To deſcend to an Account of the particular Annotators upon this great Work, and what they have ſeverally performed, is far from being my Intention at preſent; it is ſufficient, if I inform the Reader of a Fact, which, if ever he himſelf ſhall make the Experiment, he will find to be Truth; and that is, that, in all the laborious doubtful Taſk I have now gone through, I never found the leaſt Aſſiſtance from any Commentator, except, and that but very ſeldom, from *Abramius*, who is the only one who ſeems to have read and ſtudied our Author in the Character of an Orator, a Stateſman, and a Man of Senſe. The Altercations which the other Commentators, to the Number of about twenty-five or twenty-ſix, have fallen into are ſo confounding and perplexing, the Manner in which

which they treat one another is ſo void of Decency and good Breeding, that one would almoſt forſwear the Pleaſure which the Orations give him, rather than wade to their Meaning, through ſuch a Mire of Pedantry and Dulneſs as muſt lie in his Way, if he can come at it by no other Means than by their Annotations. It is true that we meet, in the Courſe of their Performances, ſome valuable Pieces of Learning; but a Man muſt make a very poor Figure, who ſhall attempt to tranſlate *Cicero*, if he is ignorant, before he applies to them, of whatever he may find in them, that is really for his Purpoſe. The principal Aſſiſtance, therefore, which I have had among the Moderns in helping me to the true Senſe of *Tully*, were from thoſe Authors who treat of the Civil Law, and the Manners and Cuſtoms of the *Romans*.

Theſe muſt be ſtudied, before a Man can tranſlate an Oration of *Tully*, and it is by an Acquaintance with them alone, that a Tranſlator can unfold the amazing Erudition and delicate Alluſions, which occur almoſt in every Page of my inimitable Original. This I have endeavoured after, and have

have found myſelf, in numberleſs Paſſages of the following Work, to deviate from the Senſe, adopted by the Commentators. It may be expected, that I ſhould give my Reaſons for ſuch Deviations; but if I were, the Diſcuſſion would ſwell to a much larger Book than the Text itſelf. This was indeed my Intention, but, I found the Matter riſe ſo prodigiouſly upon my Hands, that I choſe to throw myſelf upon the Candour and Diſcernment of my learned Reader, who alone is capable of entering into any ſuch Diſcuſſion, and who, I hope, after an impartial and thorough Enquiry, will juſtify moſt of the Liberties I have taken.

But hitherto I have touched only upon the ſmalleſt Difficulty and Diſcouragement, I met with in attempting the following Work. To underſtand the Meaning of the moſt obſcure Author, if he has any Meaning, is what any Man of tolerable Senſe and Knowledge of the Language, with great Application, may effect. But to preſerve the Turn, to even improve upon the Manner, to breathe the Spirit of an Original, is what no Application can compaſs, no Learning

ing communicate; though it ought to be the indiſpenſible, the chief Character of a Tranſlation. But it muſt be owned, that few, very few Tranſlators have ever attained, though almoſt all of them have attempted this Excellency. Their Want of Succeſs can never be imputed to their Want of Knowledge, in the Language they tranſlated from; ſince ſome of the beſt Critics in the dead Languages, both in *England* and other Parts of *Europe*, have attempted to tranſlate the Works of ſome one or other of the Antients, and in the Execution have ſucceeded no better, often not ſo well, as Tranſlators of but a very ſmall Share of Claſſical Learning.

Nor can their Want of Succeſs be owing to their not having a competent Knowledge of the Language in which they themſelves wrote. For we have, in our own Country, ſeveral Inſtances of our beſt, and moſt pure Authors, who have excelled in every other Species of Writing, and when they have attempted the Tranſlation of a good Claſſic, have fallen miſerably ſhort of their own Characters.

The

The Reader will pardon me if I ſay farther, that it is not even the Want of Genius, that has occaſioned the bad Succeſs of Tranſlators. For, though a Writer may have Genius, yet it is the habitual Acquaintance with that Manner which characteriſes his Original, that alone can give him any Succeſs in his Attempts to tranſlate. This is the real Source of all thoſe Defects, and all that Poorneſs which appears in moſt of our modern Performances, when placed by their great Originals. It is *living Manners* alone that can communicate the Spirit of an Original, which, though it is not the only, yet it is an indiſpenſible Excellency of a good Tranſlator.

But I can eaſily perceive, that my Reader, by this Time, thinks I have advanced a very ſtrong Argument, why the Tranſlation of no Antient ſhould be undertaken, far leſs an Ancient, whoſe Station and Dignity in Life was once as exalted as his Fame and Character in Writing is now; ſince it is impoſſible for any Man alive to enter into thoſe Scenes of Life, which, while he was alive, diſtinguiſhed his.

But I am far from meaning, that one is to live over the Life, and enter into the same Pursuits that engaged his Author. It is sufficient if he has made it his Business to be as conversant as he could in that Study and Manner which comes the nearest to what we may suppose his Author, were he now to live, would pursue, and in which he would shine. Without this, a Man can no more enter into the Spirit of his Original, than he can write the Description of a fine Rural Prospect, without ever leaving the Smoke and Streets of a crowded City.

It remains now that I should account for the Assistances of this kind which I have received. This, perhaps, may not be so easy, for it will be very difficult to fix upon any Profession of Life, in which a Man, with all the Assiduity and Application in the World, can be of any Assistance towards his succeeding in imitating the Manner of a *Roman* Consul and Orator.

So far as I have been able to observe, the Orations of *Cicero* may be divided into three Sorts, *viz.* Those which he pronounced as a Magistrate, as a Senator, and as a Counsel.

In

In each of those, it is easy to discern, that a separate Character predominates; as a Magistrate, *Authority*; as a Senator, *Freedom*; and as a Counsel, *Art*; yet in each, all the three Characters are so blended, that notwithstanding the favourite Predominancy, each has its full Effect.

But Besides the Difficulty of entering into that Manner in a Translation, even when one has the utmost Command of Language, there is another great Disadvantage which the Translator must labour under, which is, the different Character of the Assemblies where *Cicero* pronounced his Orations, from that of any Assembly which now exists.

If we consider the Eloquence of the Pulpit, as practised here in *England*, it is quite different from the *Forensian*. In other Countries, indeed, where a more declamatory Manner is indulged and successful, the Language of a *Roman* Orator, in a few Instances, may become the Mouth of a *Christian* Preacher. *There*, a Latitude is granted in the free Use of the boldest Figures in speaking; the Passions are principally addressed to, and the Whole of the Speaker's Art consists in the

Pathetic. But this is far from the *cool*, the *close* Method of Preaching, that obtains in *England*; where the Speaker principally applies to convince the Reaſon, and to improve the Underſtanding, diveſted of all the Boldneſs of Figures, void of all the Emotions of the Enthuſiaſm, which enters into that Manner that is proper to move a popular Audience: Yet, after all, it is very poſſible for a Preacher, who hath thoroughly ſtudied *Cicero*, to adopt one Species of his Pleading to the Pulpit with great Succeſs. This is what one or two of the *French* Preachers have done, and have thereby acquired great and merited Eſteem.

The next Species of Eloquence, which ſeemingly can be of Uſe to a Tranſlator of *Cicero*'s Orations into *Engliſh*, is that of the Bar; but here he receives, if poſſible, ſtill leſs Aſſiſtance than from the Pulpit. The Laws, by which *Roman* Cauſes were decided, were few, plain, ſhort, and ſometimes ſo indefinite were the Terms in which they were conceived, that a great deal was left to the Art of the Pleader, and much to the Will of the Judge: Add to this, that moſt of the Terms introduced were vernacular,

cular, and in Uſe, ſo that their Pleading was not technical but familiar. I need not ſay how much the Reverſe of all this is the Practice in *Weſtminſter-Hall*, where Knowledge and Experience can baffle the pureſt Language, the moſt beautiful Figures, the moſt artful Diſpoſition, and the moſt exquiſite Genius that can appear in any Pleading: Nay, I may venture to ſay, that were *Tully* to plead in the *Engliſh* Language, and in his own Manner, in *Weſtminſter-Hall*, however his Eloquence might be admired, his Succeſs would be but very indifferent.

It is, therefore, from the Language practiſed in an Aſſembly, wherein every Member is a Senator, conſtitutionally equal in Voice, in Freedom, in Dignity: An Aſſembly, neither ſubjected to controlling Power, nor tied up to techical Terms: An Aſſembly, where Freedom of Debate is the principal Privilege; where every Member is at Liberty, while he decides as a Judge, to ſpeak as a Counſel: An Aſſembly, to whoſe Cognizance Matters of Property and of Government are equally ſubjected. It is, I ſay, the Language of ſuch an Aſſembly only, that can be adapted to the Tranſlation of an Au-

thor

tl r who ſpeaks in the Character of a Se-n: or, a Magiſtrate, and a Counſel.

But though it is owing in a great Mea-ſure to the Conſtitution of our Government, that ſuch a Language is uſed in the two Houſes of Parliament, as might become a *Roman* Senate, or a *Roman* Forum, yet this of itſelf had been inſufficient for my Pur-poſe, were there not now ſome Members of both, whom *Cicero* himſelf, where he alive, would hear both with Delight and Jealouſy. It was by poſſeſſing myſelf ſtrong-ly, in what Manner one or other of theſe great Men would expreſs the ſame Thought in *Engliſh*, before a *Britiſh* Senate, that, if I can boaſt of any Succeſs in the follow-ing Tranſlation, I have ſucceeded.

It remains that I ſhould ſay ſomewhat with regard to the Conduct of the Work itſelf. Every Reader, no Doubt, will be ſtruck with the Orations not being publiſh-ed, in the Order in which they lie in the Original. The true Reaſon why they are not, is, becauſe my Intention, at firſt, wa only to have publiſhed the three firſt, which he will find in the firſt Volume of the follow-

ing

ing Tranſlation: But the Partiality of ſome Gentlemen, whom I imagine to be Judges, gave me Encouragement, after the three firſt were printed off, to go on with the others. Beſides, as the Subject of every Oration is independant of another, the Order in which they are here placed, can be very little Inconveniency or Loſs to the Reader. As to thoſe Orations in which the Subject is the ſame, ſuch as thoſe againſt *Verres*, *Catiline*, and *Anthony*, they come ſucceſſively in the Tranſlation, as in the Originals.

The Notes, which are at the Foot of every Page, I at firſt deſigned to have been much larger than they are; but finding them to ſwell to an unmeaſurable Size, I thought it was beſt to abridge them, to the Conveniency of the Reader. For this Purpoſe, I have taken nothing into them, but what is abſolutely neceſſary for clearing my Author's Meaning, as it appears in this Tranſlation.

After what I have already ſaid with regard to the Perplexity and Uncertainty, which occurs in almoſt every Page of the Text, nay, in every ten Lines, it would be

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the Height of Preſumption, ſhould I not own, that in many Places, I am doubtful if I have hit the Meaning of my great Original; and but in too many, I am ſenſible, it may be improved even by myſelf, upon a farther Review. The prodigious Application and Uncertainty of conſulting *Authors, Lexicons, Hiſtorians, Commentators, &c.* often for four or five Days, before I could fix the Meaning of three Lines in my Original, will be a Plea for the Inaccuracies of the Preſs; one Paſſage requiring ſometimes to be ſo often altered or amended, that it was impoſſible to prevent many Typographical Errors from creeping in.

THE

THE ORATIONS OF *CICERO.*

[*That the Reader may have all the Light he possibly can into the Subject of the Oration for* Milo, *I have thought proper to present him with the Argument of* Asconius, *as translated and sent me by a Gentleman.*]

The Argument of *Asconius.*

A*NNIUS MILO, P. Plautius Hypsæus,* and *Quintus Metellus Scipio,* stood for the Consulate, not only by profuse and public Corruption, but also environed with Parties of armed Men.

MILO and *Clodius* were inveterate Enemies; becauſe *Milo*, being the determined Friend of *Cicero*, had uſed his utmoſt Endeavours to get him recalled from his Baniſhment; and *Publius Clodius*, bearing a mortal Hatred to him, upon his Return to *Rome*, warmly eſpouſed the Intereſts of *Hypſæus* and *Scipio*, in oppoſition to *Milo*. The Enmity between theſe two ran ſo high, that their Factions came often to Blows, within the City, with an Audaciouſneſs that was on both Sides equal; but *Milo* always ſtood up in Vindication of the right Cauſe.

Besides, in the ſame Year, *Milo* ſtood for the Conſulate, and *Clodius* for the Prætorſhip, but *Clodius* thought its Power would be abridg'd by *Milo*'s being Conſul; and the Meeting of the Court, for the Election of Conſuls, had been long adjourn'd, and render'd impracticable, by reaſon of the fierce and bitter Conteſts between the Candidates; which occaſioned that there were neither Conſuls nor Prætors elected even ſo late as the Month of *January*, the Day of Election being ſtill put off.

In this Situation of Affairs, *Milo* endeavour'd to procure a Meeting of the *Comitia* as ſoon as poſſible, and was upon the Point of ſuc-

ſucceeding; for he had not only the good Wiſhes of all virtuous Men who oppoſed *Clodius*, but likewiſe of the Populace itſelf, who careſſed him on account of his Largeſſes, and the vaſt Expence he had been at in entertaining them with Plays and Shews of Gladiators; on which, *Cicero* ſays, he had ſquander'd away no leſs than three Eſtates. But his Competitors endeavour'd to put off the Day appointed for this Purpoſe as long as they could; and therefore *Pompey*, Son-in-law to *Scipio*, and *Titus Munatius*, a Tribune of the People, would not ſuffer an Addreſs to be made to the Senate for aſſembling the Patricians, in order to create an *Interrex*, which was cuſtomary upon Occaſions of the like Nature.

On the 13th of the Calends of *February* (for I think the Regiſters and the Oration itſelf agreeing with them are more to be rely'd on than *Feneſtella* who fixes it on the 14th) *Milo* went to *Lanuvium* (of which he was a Citizen, and at that Time Dictator) in order to create a Prieſt next Day. About three in the Afternoon *Clodius*, in his Return from *Aricia*, meets him a little on the other Side of the *Bovillæ*, and nigh the Place where the Temple of *Bona Dea* ſtands. *Clodius* was on Horſeback; his Retinue conſiſted of about thirty Slaves with Swords, and every way prepared for an Attack,

which was the usual Way of travelling in those Days. Besides these, *Clodius* had three Companions, one a *Roman* Knight, named *Caius Cassinius Scola*; the other two rais'd from the *Plebeian* to the *Equestrian* Order, *viz.* *P. Pomponius*, and *Caius Clodius*; *Milo* was in a Chariot, together with his Wife *Fausta*, the Daughter of *Lucius Sylla* the Dictator, and *Marcus Fusius* his intimate Acquaintance. He was attended by a great Number of Servants, some of them Gladiators, and two of them particularly famous in that Way, *viz.* *Æudamius* and *Birria*; who, walking slowly in the Rear, happened to enter into a Quarrel with the Servants of *Clodius*. *Clodius* turning about with a stern and menacing Air to behold the Fray, *Birria* run him through the Shoulder with a Tuck. The Riot increasing, *Milo*'s Servants ran up to the Assistance of their Companions, and *Clodius* being wounded, was carried into a Tavern near the *Bovillæ*. *Milo* hearing that *Clodius* was wounded, and thinking that it might prove dangerous, if he should live to resent it, but that his Death would give him great Satisfaction, even tho' he should be punished for it, ordered the Tavern to be broke open. *Marcus Fustenus* was the Ringleader of *Milo*'s Servants: And *Clodius* attempting to conceal himself was dragged forth, and kill'd with repeated Stabs. His Body was left on the High-

way, becauſe his Servants were either ſlain, or, being wounded, took care to conceal themſelves. *Sextus Tedius*, a Senator, who by chance, as he returned from the Country, took it up, ordered it to be carried to *Rome* in his Litter, and returned inſtantly. The Body reached *Rome* before the firſt Hour of the Night; a great Multitude of Servants, and of the lower Claſs of People flocked about it, and mourned over it, when lying in the Court before the Houſe. What ſtill heightened the Horror of the Deed, was his Wife *Fulvia*'s expoſing his Wounds to the publick View, in all the Agony and Action of Grief. By the Dawn of the next Day, a greater Multitude of the ſame Kind aſſembled, and many Men of Note were ſqueezed to Death, among whom was *Caius Vibienus*, a Senator. The Houſe of *Clodius* was a few Months before bought of *Marcus Scaurus*, and ſtood on the *Palatine* Mount; *Munatius Plancus*, Brother to *Lucius Plancus* the Orator, and *Quintus Pompeius Rufus*, (Grandſon to *Sylla* the Dictator by his Daughter) Tribunes of the People, quickly repaired thither; and by their Inſtigations the thoughtleſs Mob was prevailed upon to convey his Body (ſtript of every thing ſave Shoes, juſt as it lay in the Bed) into the Forum, and place it on the Roſtra, that ſo the Wounds might be the better ſeen: There *Plancus* and *Pompey*, *Milo*'s Enemies, made in-

vective Speeches against him, while the People, under the Conduct of *Sextus Clodius* a Scribe, brought the Body of *Clodius* into the Forum, and burnt it with the Desks, Seats, Tables, and Books belonging to the Clerks; by which Fire the Court itself was burnt, and the *Porcia Basilica* adjoining to it damaged. The same Mob favouring *Clodius*, beset the House of *Milo*, then absent, and of *Marcus Lepidus* the *Interrex*; but they were beat off with Arrows. Upon which, having snatched the Fasces from the Bed of *Libitina*, they carried them to the Houses of *Scipio* and *Hypsæus*, then to the Gardens of *Cneius Pompeius*, proclaiming him sometimes Consul, and sometimes Dictator. But the burning of the Court more effectually moved the Citizens, than the killing of *Clodius*.

WHEREFORE *Milo* (who according to common Report was gone into voluntary Exile) receiving Spirits from the Unpopularity of his Enemies, was returned to *Rome* that very Night on which the Court was burnt, and put in for the Consulate, notwithstanding what he had done. He likewise publickly distributed to the People a thousand *Asses* a Man.

SOME Days after, *Marcus Cælius*, Tribune of the People, and *Manilius Canianus*, his Collegue,

Collegue, harangued the People in his Favour, vindicating his Conduct, and affirming that *Clodius* had way-laid *Milo*.

In the mean time were created *Interreges* ſucceſſively, who could not procure a Meeting of the Courts for the Election of the Conſuls, on account of the factious Tumults of the Candidates, and the armed Bodies that were kept on Foot. The firſt Thing the Senate decreed was, that the *Interrex*, the Tribunes of the People, and *Cneius Pompeius*, who at that Time was *Proconſul* for the City, ſhould *take care the Public ſhould ſuſtain no Loſs*; and that *Pompey* ſhould make a general Levy throughout all *Italy*. He having expeditiouſly raiſed a Body of Men for the Safety of the Commonwealth, two young Men, both named *Appius Claudius*, (Sons of that *Caius Claudius*, who was Brother to *Clodius*) in their Father's Name and Authority impeached *Milo* of their Uncle's Death; they demanded Slaves of *Milo*, and of his Wife *Fauſta*, inſiſting upon their being produced. The two *Valerii*, *Nepos* and *Leo*, and *Lucius Herennius Balbus*, likewiſe demanded the ſaid Slaves. At the ſame time *Cælius* demanded the Slaves of *Clodius*, and his Companions. The Slaves of *Hypſæus* and *Quintus Metellus* were demanded by *Manilius Canianus* Collegue to *Metellus*.

MILO had for his Counſel *Quintus Hortenſius*, *M. Cicero*, *M. Marcellus*, *M. Calidius*, *M. Cato*, and *Fauſtus Sylla*. *Quintus Hortenſius* made a ſhort Speech; the Deſign of which was to prove, that thoſe who were demanded as Slaves were Freemen born; for *Milo* ſet them at Liberty, becauſe they had defended his Life.

These Things were tranſacted in the Leap-Month, almoſt thirty Days after *Clodius* was killed. "*Quintus Metellus Scipio* complained "in the Senate againſt *Marcus Cæpio*; and "with regard to the Death of *Publius Clodius*, "aſſerted it to be falſe, that *Milo* had behaved "in that defenſive Manner as given out, and "that *Clodius* had gone out with a Deſign to "ſpeak with the Magiſtrates of *Aricia*, and "was attended with twenty-ſix Slaves. That "*Milo* in a great Hurry after four o'Clock, "when the Senate was broke up, went to "meet him with more than three Hundred "armed Slaves, and in his Journey ſurprized "him unawares above the *Bovillæ*. That *Publius Clodius*, having there received three "Wounds, was brought to the *Bovillæ*. That "the Tavern, into which he had fled for Safety, was by *Milo* broke open; and that *Clodius*, when half dead, was dragged thence, "and ſlain in the *Appian* Way. That his

"Ring

"Ring was taken off his Finger, when dying. "That when *Milo*, who was then in *Albanum*, "knew that *Clodius*'s little Son was come to "that Town, but conveyed away before he "received the Information of it, he so tortured "a Slave of his, one *Alicor*, that he cut him "into Pieces. That he cut the Throats of the "Bailiff, and two Slaves more. That of the "Slaves who defended *Clodius*, eleven were "killed, whereas only two of *Milo*'s were "wounded. That for these Reasons, *Milo*, "the following Day, freed twelve of his "Slaves who had been most instrumental in "the Attack, and distributed among the Peo-"ple throughout all the Tribes a thousand "Pieces of Money to each, that so they might "take his Part."

'Tis said, that he sent to *Cneius Pompeius*, who was much in the Interests of *Hypsæus*, who had been his Quæstor, telling him, that if he had a Mind he would desist from standing for the Consulate. It was reported that *Pompey* answered, he neither desired any one to sue for the Consulate, nor to drop his Pretensions to it; and that he would not interpose either as to the Power, the Counsels, or Decrees of the *Roman* People: Nay, he is said to have begged by *Caius Lucilius* (who favoured *Milo* on account of his Familiarity with *Mar-*

cus

cus Cicero) that he would not render him unpopular by consulting him in this Affair.

THUS stood Matters when the Rumour prevailed, that *Cneius Pompeius* was to be created Dictator, and that the Calamities of the City could not well be put an End to by any other Expedient; the Nobility thought it a safe Step, to create him Consul without a Collegue. After this Affair had been debated in the Senate, and a Decree of the House given upon the Opinion of *Marcus Bibulus*, *Pompey* was upon the 5th of the Calends of *March* created Consul, by the *Interrex Servius Sulpitius*, and immediately entered upon the Consulate.

THREE Days after he made a Motion for enacting new Laws. Two he actually promulged by a Decree of the Senate: One in which he expressly comprehends the Murder in the *Appian* Way, the Burning of the Court, and the Attack made upon the House of *Marcus Lepidus* the *Interrex*: The other relating to procuring Posts by Bribery; providing a severer Punishment for this Crime, and a quicker Method of dispatching Trials: For both Laws required that the Witnesses should be examined three Days before, and that then the Plaintiff and Defendant should plead their Causes in one Day, and that the Defendant should

ſhould have three, and the Plaintiff two Hours allotted him for that Purpoſe.

MARCUS CÆLIUS, Tribune of the People, the determined Friend of *Milo*, oppoſed theſe two Laws; becauſe he ſaid, that not only a particular Law was enacted againſt *Milo*, but that his Trial was carried on in a quicker Way than was uſual. And *Cælius* perſiſting in his Oppoſition to this Law, *Pompey* reſented it ſo, that he ſaid, "He himſelf would de-"fend the Republic by Arms, if there was a "Neceſſity for it:" But *Pompey* was afraid of *Milo*, or at leaſt pretended to be ſo; for inſtead of ſtaying in his own Houſe, he lurked, for the moſt part, about ſuch of his Gardens, as were laid out on a riſing Ground; round which alſo a great Body of Soldiers watched. *Pompey*, likewiſe, once kept the Senate in his own Portico, becauſe he ſaid he was afraid of being attacked by *Milo*.

AT the next Meeting of the Senate, *Publius Cornificius* maintained, that *Milo* had a Dagger concealed under his Coat, and demanded a Search; upon which *Milo* threw aſide his Coat, and cleared himſelf from the Aſperſion. Then *M. Cicero* cry'd out, "That "all the other Crimes with which *Milo* was "charged, were no better founded."

MU-

MUNATUS PLANCUS, a Tribune of the People, next produced to the Aſſembly *M. Æmilius Philemon*, a Perſon well known, and the Freed Man of *Marcus Lepidus*: He ſaid, that he and other four Freemen in their Journey came up, when *Milo* and his Attendants were killing *Clodius*, and that when they called out for Aſſiſtance, they were ſeized, carried to *Milo*'s Farm, and there ſhut up for two Months. This Declaration, whether true or falſe was of great Prejudice to *Milo*. The ſame *Munatius* and *Pompey*, Tribunes of the People, produced a Capital Triumvir upon the Roſtrum, and aſked him if he had found *Galata*, *Milo*'s Servant, acceſſary to the Murder. He anſwered, that he was apprehended as a Fugitive, when ſleeping in the Tavern, and brought to him; they, nevertheleſs, ordered the Judge to confine the Servant; but next Day *Cælius*, a Tribune of the People, and *Manilius Canianus*, his Collegue, having reſcued the Slaves from the Triumvir's Houſe, reſtored him to *Milo*.

THO' *Cicero* makes no mention of theſe Circumſtances yet knowing them to be true, I thought proper to inſert them.

AMONG the firſt, *Quintus Pompeius*, *Caius Sal-*

Sallustius, and *Titus Munatius Plancus*, Tribunes of the People, made bitter invective Speeches, not only against *Milo*, but against *Cicero*, for his resolute Defence of *Milo*; the Mob too was enraged at *Cicero* for his unpopular Conduct in this Defence.

POMPEY and *Sallust* were afterwards suspected of being reconciled to *Milo* and *Cicero*; but *Plancus*, insisting inveterately, instigated the People against *Cicero*, and render'd *Milo* suspected to *Pompey*; by bellowing out that *Milo* intended to attack his Person. For this Reason, *Pompey* often complained he was in Danger from barefaced Treachery; and therefore was guarded by a larger Body of Men than usual: *Plancus* also told him that he ought likewise to impeach *Cicero*; and tho' *Pompey* afterwards threatened the same, *Cicero*'s Honesty and Constancy were so great, that neither the Opposition of the People, the Suspicions of *Pompey*, the Dread of future Danger from a popular Impeachment, nor the Arms which were openly taken up against *Milo*, deterred him from defending him; tho' at the same Time he might have avoided his own Danger, with the Odium of the Mob, and regained the Favour of *Pompey*, had he been less keen in the Defence.

HERE-

Hereupon *Pompey* (after enacting a Law, a Clause of which bore, that by the Votes of the People, a Judge in capital Matters should be created from among those who had been Consuls) held the *Comitia*, and *Lucius Domitius Ænobarbus* was named Judge. The rest of the Assessors upon this Trial proposed by *Pompey* were such, as *Rome* at no Time could boast of Men of clearer Heads or better Hearts.

Immediately after, *Milo* was impeached by the two Youths, *Appii Claudii* upon the new Law; these were the same, who a little before had demanded his Slaves: The same Prosecutors likewise accused him of Corruption. These Prosecutions were undertaken with this View, that as the first Trial would be upon the Bloodshed, (upon which they apprehended he must be convicted) he might not afterwards put in an Answer.

The previous Question, as to the Corruption, was debated before *Aulus Torquatus*, the President of that Trial; and both the Presidents, *Torquatus* and *Domitius*, summoned the Defendant to appear before them the Day before the *Nones* of *April*. On that Day, *Milo* in Person attended the Tribunal of *Domitius*, and sent his Friends to that of *Torquatus*, who,

who, at the Requeſt of *Marcus Marcellus*, diſpenſed with his ſtanding a Trial upon the Charge of Corruption, till that upon the Bloodſhed was diſcuſſed.

BUT before *Domitius*, *Appius Major* demanded *Milo* to deliver up fifty-four of his Slaves; and when he denied that the Perſons named were in his Power, *Domitius*, with the Concurrence of the other Judges, pronounced that the Accuſer ſhould have Liberty to name what Number of Slaves he pleaſed.

THEN the Witneſſes were cited, according to that Law, which (as we above hinted) enjoined, "That before the public Trial ſhould "come on, the Witneſſes ſhould be heard "for three Days; that the Judges ſhould take "Minutes of their Declarations; that on the "fourth Day, they ſhould all be ordered to "appear the Day following, and that then "the Plates, on which the Names of the "Judges were written, ſhould, in the Preſence "of the Accuſer and the Criminal, be compared together. That the Day following, "there ſhould (by caſting Lots) be an Election of eighty-one Judges, who were to ſit "as ſoon as they were choſen: That the "Plaintiff ſhould have two, and the Defendant three Hours allotted for pleading; and "that

"that the ſame Day Sentence ſhould be "given. But that the Plaintiff and Defend-"ant ſhould firſt have each a Liberty of "ſtriking five out of every one of the three "Orders; ſo that the Number of Judges "ſhould amount but to fifty-one."

On the firſt Day *Caſſinius Scola* was brought as an Evidence to convict *Milo*; who ſaid, that he was with *Clodius* at the Time when he was murdered by *Milo*, and in the Courſe of his Evidence, aggravated as much as he could the Heinouſneſs of the Crime. *Marcus Marcellus* beginning to croſs-examine him, was attacked by ſo hideous a Riot and Outcry of the *Clodian* Faction, who were by, that to avoid its Conſequences, which he apprehended might be fatal, he was obliged to ſhelter himſelf in the Tribunal of *Domitius*. Upon this, not only he, but *Milo* petitioned *Domitius* for Protection. *Cneius Pompeius* then ſitting in the Treaſury, offended at this Riot, promiſed to *Domitius* next Day to appear with a Guard; which he did, and by it the *Clodian* Party was ſo overawed, that without any Noiſe, they ſuffered the Depoſitions of the Witneſſes to be taken for two Days. *Marcus Cicero*, *Marcus Marcellus*, and *Milo* himſelf examined them. Many of the Inhabitants of the *Bovillæ* gave in their Evidence, *viz.* "That the Maſter of the Tavern

"was

" was ſlain, the Tavern itſelf broke open, and " the Body of *Clodius* dragged forth to the " Highway. The Veſtal Virgins likewiſe " ſaid, that an unknown Woman came to " them by *Milo*'s Orders to pay her Vows, " becauſe *Clodius* was dead." The laſt who gave in their Evidence were *Sempronia*, the Daughter of *Tuditanus*, and Mother-in-law to *P. Clodius*, and his Wife *Fulvia*, who by their Weeping made a great Impreſſion on all who were preſent. The Trial breaking up at four o'Clock, *Titus Munatius* exhorted the People to aſſemble next Day, that *Milo* might not be ſuffered to eſcape, and to expreſs their Grief for the Death of *Clodius*.

NEXT Day, the third of the Ides of *April*, when the Judges were to pronounce Sentence, all the Shops in the City were ſhut up, and Guards placed in the Forum, and all its Avenues, by *Pompey*'s Orders, who placed himſelf before the Treaſury, as he had done the former Day, ſurrounded by a Body of Troops. Then the Election of the Judges was made by Lots, as on the firſt Day, when there was a profound Silence throughout the whole Forum.

ABOUT eight o'Clock, the Plaintiffs, *Appius Major*, *Marcus Antonius* and *Publius Vale-*

rius Nepos, began to plead, which (according to the Law) they did only for two Hours.

To theſe *Cicero* alone replies; and though ſome choſe to defend the Action upon this Principle, *that the Death of* Clodius *was for the Intereſt of the Commonwealth*, a Reaſoning introduced by *Marcus Brutus*, in the Oration he compoſed for *Milo*, tho' he did not deliver it; this did not pleaſe *Cicero*, becauſe, though it might be for the Public Intereſt, that a Man ſhould be condemned, it did not follow that he might be killed uncondemned. *The Man who for the Public Good was condemned, could not be killed if uncondemned.* Therefore, when the Plaintiffs aſſerted that *Milo* had way-laid *Clodius* (which was falſe, the Fray happening by Chance) *Cicero* replies, and maintains that *Claudius* way-laid *Milo*: On this ſingle Point, the whole of his Oration depends: But the Evidence came out, as we hinted above, *that neither of them that Day engaged deſignedly, but that the Encounter was caſual, and that the Scum of the Servants proceeded to Bloodſhed*; but it came out, that each had threatened the Life of the other; and as the great Retinue of *Milo* were more ſuſpected than the others, ſo the others were more upon their Guard, and better provided for an Attack.

WHEN

When *Cicero* began to ſpeak, he was interrupted by a Shout of the *Clodian* Faction, whom even the Terror of the Guards could not reſtrain, which diſconcerted him ſo that he fell ſhort of his uſual Manner.

The Oration in which he was interrupted remains; but he wrote this with ſo much Spirit and Art, that it is deſervedly looked upon as his Maſter-piece.

ARGUMENT.

THE Oration, which the best Judges look upon as the Master-piece of Tully's *Eloquence, was pronounced upon the following Occasion.*

The first Symptoms of the Ruin of the Roman *Liberty, broke out in the avowed Corruption employed by the several Candidates for Public Offices: But as the Interests of the Competitors flourished or sunk in Proportion as they possessed the Means of Corruption; when these failed, they often had recourse to Arms, and proceeded to Blood and Riot. In the 701st Year, from the Building of* Rome, *three powerful Competitors appeared for the Consulate;* Milo, *who seems to have been supported by the greater Senatorial Interest, and* Publius Plotius Hypseus, *with* Quintus Metellus Scipio, *who had all the Interest of* Pub. Clodius, *then a Candidate for the Prætorship, and a professed Enemy, on many Accounts,*

to Milo: *Thus, tho' the Office, for which the Competitors with* Milo *contended, was superior in Dignity to the Prætorship, yet the Struggle was generally looked upon, by Reason of the great Interest of* Clodius *with the People, as lying betwixt* Milo *and* Clodius, *the other two Candidates being but the Tools of* Clodius. *What made the latter more eager in opposing* Milo *was, he himself being a Candidate for the Prætorship that Year; and resolving to attempt several fundamental Alterations in the Laws and Constitution of his Country, he despaired of Success if* Milo *was Consul.*

But Milo, *supported by Men of the greatest Quality, Authority, and Property, was named to the Consulate by the almost unanimous Voice of the Electors, which drove* Clodius *to the Necessity of opposing him in a lawless, tumultuous Manner.* Milo, *who, by an excessive Profusion, had gained a strong Party to his Interest, never failed to repel his Adversary; and these Bickerings rendered it impracticable to proceed to the Election in a regular Manner at the usual Time; so that, towards the Middle of* January, *the Competition was still depending; nor could all the Interest of* Milo *procure an* Interrex *to be chosen for proceeding to a definitive Election.*

It is hard to say in what Convulsions those Struggles must have thrown the Roman *State, had not the Death of* Clodius, *b* *of*

Milo, *taken off the most formidable Enemy of the Senatorial Power. The Reader, in perusing the following Oration, and in my Notes to be annexed to this Volume, will learn the Circumstances of the Encounter betwixt him and* Milo. *It may, however, be necessary to premise, that the Body of* Clodius *being conveyed to* Rome, *from the* Appian *Way, the Scene of the Encounter, was carried on a Couch into the Forum, and by the Madness of* Sextus Clodius, *a Creature of the Deceased, consumed with the Desks, Benches, and Seats fixed in the Courts of Justice, but now torn up by the enraged Faction, to serve as a Funeral Pile for the Body of* Clodius. *The Flame communicated itself to the adjacent Buildings, and the Courts of Justice themselves were soon reduced to Ashes. This Outrage created a universal Consternation in* Rome, *which in a great Measure softened the public Resentment against* Milo; *or, at least, awakened anew the Remembrance of all the Crimes of* Clodius.

In the mean Time, an Interrex *was chosen in less than two Days after the Death of* Clodius; *the* Clodian *Faction, thinking it now a proper Time for carrying the Election in Favour of their two Consuls, demanded the* Interrex, *who was* Marcus Emilius Lepidus, *to hold the* Comitia, *and proceed to the Election. But he excused himself, because, his Interregal Power la*[illegible]*er than five Days, the Assembling* [illegible]ia *belonged to his Successors in that Office,*

Office. Upon this the Clodian *Faction, enraged to Madness, beset his House, and proceeded to the most unjustifiable Outrages, and had certainly assassinated* Lepidius, *had not* Milo's *Party, who by this Time recovered their Spirits, thro' the Impopularity of their Opponents on account of their burning the Forum, interposed with the same Demand. The two Factions then falling upon one another, preserved the Person, and prevented the Demolition of the House of* Lepidus.

Various were the Traverses, which this Affair met with in the then unsettled State of the Roman *Government; they terminated however in this, that* Pompey *was created sole Consul; and, three Days after his entering into Office, he proposed and enacted two Laws; the one for enquiring into the Circumstances of* Clodius's *Death, the Assault upon the House of* Lepidus, *and the Burning of the Forum, which were all adjudged to be Acts of Treason against the Commonwealth. The second related to the Corruption of the Candidates for public Offices, and a Regulation of public Trials.*

These Laws, especially the latter, were eagerly opposed by Marcus Cælius, *a Tribune of the People, and a Friend of* Milo, *whom the former insisted should be tried in the ordinary Form by the acting Prætor. But* Pompey *with Menaces over-ruled this Opposition. After this* Pompey *made a new Law, by which it was enacted, that an extraordinary President of this Trial should be*

created out of those who had passed Consul. Upon this the Comitia *being held,* Lucius Domitius Ænobarba *was recommended by* Pompey *as President, with the other Judges, Men of the greatest Abilities and Integrity in* Rome. *In the mean time the Accusers of* Milo, *who were the two young* Appii, *Kinsmen of* Clodius, *demanding from the Senate, that* Milo *should be tried upon* Pompey's *late Law.* Fusius, *a Senator, by Virtue of his Authority, required the Proposition contained in that Law* to be divided; *that is, that the Death of* Clodius *should be tried separately from the other two Acts of Treason, which being agreed to, was looked upon as a farther hardship upon* Milo. *After the Evidence for the Prosecution had been heard before this Court, which* Pompey, *to prevent the violent Efforts of either Faction, had guarded with a strong Body of regular Troops,* Cicero *was admitted to proceed to the Defence of the Criminal. But he was so daunted at the View of the armed Force, that we are told, he made so poor and frigid a Defence, that* Milo *was condemned by the Court. Therefore, the following beautiful Harangue, supposed to be delivered that Day, is thought to have been penn'd by* Tully, *and to have received all its Beauty and Fire, some Time after the Sentence was passed.*

All this happened in the Year of Rome 701, *and in the* 54*th Year of* Cicero's *Age.*

M. T.

M. T.

CICERO's

ORATION

FOR

MILO.

THO', my Lords, * I am apprehensive, that, when I enter upon the Defence of a brave Man, it may be thought mean to betray any Symptoms of Cowardice, or to be unable to support my Pleading, with a Dignity of Courage equal to that of *Titus Annius*

* That we may give the Reader a clear and comprehensive Notion of *Cicero*'s Art in this Oration, it may be proper to premise an Analytical Account of the Disposition of the Whole.

The

nius Milo, who is leſs concerned about his own Fate, than that of his Country; yet am I diſmayed

The Point of Enquiry according to our Author is, not whether *Clodius* was killed by *Milo*, for that is confeſſed; but whether he was not lawfully killed. This he maintains in the Affirmative, by laying down a general Propoſition, *viz.* That it is lawful to kill the Man who lies in wait, and attempts to murder you.

This general Propoſition he proves;

1ſt, From the Authority of the People, former Trials, and the Laws in being.

2dly, From the Silence of the Laws paſſed on that Occaſion, either by the Senate, or *Pompey*.

Our Author, having thus eſtabliſhed his general Propoſitions, proceeds to prove, that *Clodius* comes preciſely under that Deſcription; This he does,

1ſt, From the Advantages that were to ariſe to the Deceaſed by the Death of *Milo*.

2dly, From the declared Hatred he had always expreſſed for the Priſoner.

3dly, From the criminal Behaviour of the Deceaſed thro' all the Scenes of Life.

4thly, From his Hopes of Impunity.

And the Evidence, upon which theſe Circumſtances are alledged, are

The Words and Actions of the Deceaſed.

The COROLLARY.

Clodius was lawfully killed, and *Milo* acted on Self-defence.

Quintilian, one of the greateſt Judges of Antiquity, is the Author who illuſtrates the Beauties of our Orator the moſt copiouſly; for which Reaſon, and becauſe no Tranſlation of *Quintilian* is extant, I intend in theſe Notes to make Uſe of his Obſervations; and I make no doubt but that the Reader will own they are more judicious, and diſcover a truer Knowledge of *Cicero*'s Manner, than we find in any other Writer.

The

mayed with this * unuſual Pomp of Juſtice, this unprecedented Array of Terror: My Eyes, in

The Procœmium to this Oration is finely praiſed by *Quintilian*, in the Rules he lays down againſt a vicious Monotony. " *Let us*, ſays he, *propoſe as our Example the Beginning of* " *that noble Oration for* Milo: *Are not at every Period the Muſ-* " *cles of the ſame Face to be varied with the Delivery? Etſi* " *vereor judices ne turpe ſit pro viro fortiſſimo incipientem dicere* " *timere.* Tho' the whole Propoſition is pithy and ſubmiſſive, " becauſe it is an Exordium; yet muſt the Orator be ſuppoſed " to ſpeak more full and erected, when he pronounces the " Words *pro fortiſſimo viro* than *Etſi vereor—turpe eſt—&—* " *timere.* In the next Pauſe, he muſt have riſen by as it were " a natural Effort, which leads to a bolder Pronunciation, and " better exemplifies the Courage of *Milo. Minimeque deceat* " *cum* Titus Annius *ipſe magis de Reipublicæ ſalute quam de ſua* " *perturbetur:* Then, as if he blamed himſelf, *Me ad ejus* " *cauſam parem animi fortitudinem afferre non poſſe.* Then he " varies to a hated Object; *Tamen hæc novi judicii nova for-* " *ma terret oculos.* Immediately, as if he had almoſt quite re- " covered his Spirits; *qui quocunque inciderent veterem conſuetu-* " *dinem fori & priſtinum morem judiciorum requirunt.* Then " what follows is free and diffuſed; *Non enim corona conſeſſus* " *veſtor cinctus eſt, ut ſolebat.* This I have brought as an Inſtance " that not only Sentences, but Syllables, ought to be different- " ly articulated; otherwiſe every Sentence will have the ſame " Effect." As much Care is taken to keep up to theſe Beauties in the Tranſlation, as I thought conſiſtent with the Spirit of our Language.

* *Unuſual Pomp of Juſtice.*] The Expreſſion in the Original is *novi judicii nova forma*; a new Form of a new Trial: The Reaſon why *Cicero* called it ſo, deſerves Attention.

Criminal Caſes among the *Romans* were tried either *judicially*, or *extrajudicially*: The judicial Proceedings were carried on by the acting Prætors in criminal Caſes; theſe Prætors were called *Prætores Quæſitores*, or *Quæſitores Parricidii*, and they determined according to Law and Precedents; their Proceedings, therefore, were called *Quæſtiones perpetuæ*.

Extrajudicial Proceedings were obſerved in thoſe Caſes, where the Circumſtances of the Crime were ſuch as not to be provided for by Law, or ſuch as deſerved a greater Puniſhment than the Law inflicted. In this Caſe the Senate or the People appointed a Commiſſion, with a Preſident for trying it. This

in vain, on all ſides, ſearch for the venerable Forms, and ancient Appearances of the FORUM; your Bench is environed with Attendants, and the Bar with Guards, hitherto unknown at a *Roman* Trial.

FOR theſe Troops, which ſtand before all the Temples, however they are meant to overawe Violence, ſtrike Terror into the Pleader; and tho' the Guards, with which this Forum and theſe Walls are lined, may be *ſalutary*, perhaps *neceſſary*; yet * the very Means of *Safety* awaken the Idea of *Danger*. But, did I think

This Trial of *Milo* was of the latter Kind, which *Cicero* thought to be a Hardſhip; ſince, as he ſays, they had Laws and Precedents, and there was nothing ſpecial in the Caſe to require an *extrajudicial* Proceeding. But perhaps the Reader, who has attended to *Aſconius*'s Argument, will be of a different Opinion.

The Reader is here to take Notice, that this Trial happening while *Pompey* was *Dictator*, all the judicial Authority, both of the Senate and People, devolved upon him, and he might have tried *Milo* himſelf.

* *The very Means of Safety.*] *Cicero* here in the Original has a Jingle, which no modern Language could admit of, without loſing much of its Dignity. Whether it is not even too low in the Original, I ſhall ſubmit to the Reader. The Expreſſion is, *Ne non timere quidem ſine aliquo timore poſſumus, i. e.* Without ſome Fear we cannot fear. But I ſhall beg Leave here once for all to make one Obſervation, which will be of great Uſe to an ingenuous Reader, who ſhall carry it in his Eye. There is a great Difference betwixt what is wrote in order to be delivered, and what is wrote only to be read. The firſt ſuppoſes many Circumſtances preſent to the View; many particular Paſſions that are to be applied to; many different Underſtandings that are to be conſulted; none of which can enter into a Compoſition that is wrote in order to be read only. There-

I think that thoſe Soldiers were placed there to influence this Trial in prejudice of *Milo*, I would yield, my Lords, to Neceſſity, nor imagine, that, where ſo determined a Force over-rules, the Voice of Eloquence can be heard. I am, however, ſupported and encouraged by the Conduct of *Pompey*, who, as he is * a Perſon of the moſt conſummate Juſtice, will never expoſe to the Sword of the Soldier, the Man whom he has given up to the Judgment of this Court; and as his *Wiſdom* is equal to his *Juſtice*, he muſt think it inconſiſtent with *both*, ſhould he ſtrengthen the Fury of popular Commotion by the Sanction of ſupreme Authority.

THERE-

Therefore, when a Reader meets in an Oration with a Paſſage that ſeems too trivial for the Subject, let him take all theſe Circumſtances into his View, and make himſelf Maſter, as much as poſſible, of the Situation of the Speaker; he will then often ſee with leſs ſevere Eyes, than when it preſents to him merely as a Matter of Information. We know by Experience what a Difference there is betwixt any Story that paſſes in common Converſation, where the Circumſtances are enlivening, and the Accidents intereſting, and the ſame Story repeated, ſtript of all theſe, how affecting or diverting it may appear in one Light, and how cold and inſipid in another. The ſame may be ſaid of this Oration, delivered while the Speaker was under a real or affected Conſternation, and obliged to accommodate every Expreſſion to what he deſigned ſhould appear.

* *A Perſon of the moſt conſummate Juſtice.*] This fine Compliment to *Pompey* is introduced with an oblique Glance of what *Tully* keeps always in his View thro' this Oration, which is the Partiality which *Pompey* ſhewed in granting this Trial. As *Pompey* had great Authority and great Power at that Time in *Rome*, the Orator endeavoured to remove all the Effects which this Partiality might have upon the Minds of the Judges.

THEREFORE, thoſe *Arms*, thoſe *Officers*, thoſe *Troops*, are placed not to *overawe*, but to *protect*: While I plead, they bid me, my Lords, ſpeak with *Compoſure*, nay, with *Courage*, and promiſe me not only *Safety* but *Attention*. The reſt of the Multitude, ſo many, at leaſt, as are *Roman* Citizens, is on our Side; * and every Man of them, whom you perceive crowding the Places from whence the ſmalleſt Part of the Forum can be viewed, expecting the Event of this Trial, is intereſted in our Favour; and thinks that the Sentence which condemns or acquits *Milo*, fixes the Fate of himſelf, his Poſterity, his Country, and his Property.

ONE Sett of Men are indeed our determined inveterate Enemies; I mean † thoſe Robbers and Incendiaries trained up by the Madneſs of *Clodius*, and ſupported by Rapine, Burnings, and every deſtructive Species of public Calamity;

* *And every Man of them.*] At this Trial three Ranks of Men were preſent: The Soldiers, whom *Pompey* had placed; the Citizens waiting the Event of the Trial; and the *Clodians*, whoſe Thoughts were bent upon the Ruin of *Milo*: Beſides, *Cicero* ſtiles them Citizens in contradiſtinction to the *Clodians*, who, on account of their ſeditious Practices, did not deſerve that Name.

† *Thoſe Robbers and Incendiaries.*] *Clodius* had by his Rapines gained over to his Intereſt the baſe and abandoned Part of the Citizens, for he ſold the Conſular Provinces to *Piſo* and *Gabinius*; with them he ſhared the Treaſure: And to *Brogitarus* he ſold the Province of *Peſſinus* in *Phrygia*.

mity; who, * inſtigated by the Speeches of Yeſterday, had the Inſolence to anticipate your Judgment upon this Caſe: But I hope, if theſe Clamours are to have any Effect, it ſhall be that of preſerving to his own Country a brave Citizen, and one who, for your Safety, always diſregarded thoſe Ruffians and their Threatnings.

THEREFORE, my Lords, let Fear, if you have any, be laid aſide, and act with Spirit. For if ever you had it in your Power to judge of the Honeſt and the Brave; if ever the Liberty of worthy Citizens *was in your Hands*; if ever Men ſelected from the moſt illuſtrious of our Orders, had an Opportunity to render effectual, by their Conduct and Deciſions, thoſe favourable Intimations which they had before often given by their Looks and Words; in you at this Inſtant all theſe Powers are veſted, that you may pronounce whether we, who have ſtill been devoted to your Authority, would languiſh under Oppreſſion; or, after long Perſecution, by the moſt abandoned Citizens, at laſt be relieved by your Integrity, Virtue, and Wiſdom?

FOR

* *Inſtigated by the Speeches of Yeſterday.*] *Munatius Plancus*, one of the Tribunes of the People, the very Day before this Oration was delivered, in a ſet Speech, exhorted the People to uſe all their Diligence to prevent *Milo*'s Eſcape.

For what, my Lords, can be more irkſome, what can be expreſſed or conceived more exquiſitely tormenting, than that we, * whoſe Services to our Country gave us a Right to expect the higheſt Honours, ſhould now be ſubjected to the Dread of the moſt infamous Puniſhment? I thought, indeed, that all the Storms and Tempeſts, which *tumultuary Faction* and *diſtracted Counſels* raiſe, muſt break upon the Head of *Milo*, becauſe he has ever patronized *Virtue* againſt *Licentiouſneſs*; but little did I imagine, when the Affair was brought to a regular Trial, wherein the greateſt and moſt illuſtrious Men in *Rome* were to ſit as Judges, that the Enemies of *Milo* ſhould harbour a Thought of ſucceeding, while ſuch Men were on the Bench, in their Endeavours, not only to affect his Life, but *to ſtain* his Glory. For, my Lords, unleſs you ſhall ſee to the ſtrongeſt Conviction, *that* Milo *was treacherouſly beſet by* Clodius, I ſhall not endeavour to influence your Judgment upon this Fact, by diſplaying

* *Whoſe Services to our Country.*] He here beautifully excites the Compaſſion of the Judges, in his own and *Milo*'s Favour, from a Conſideration of the Services they had done to the State, and the Injuries they had received at the Hands of the *Clodians.*

Milo might juſtly claim the higheſt Offices, on account of his Merit; and accordingly had been formerly created Tribune, and was now putting in for the Conſulſhip.

playing the * Tribuneſhip of *Milo*, nor the Conduct of his whole Life, ſpent in a Series of ſucceſsful Services to his Country. Neither ſhall I plead the Merit of thoſe Services as an Atonement for one raſh Action; nor ſuggeſt, that if the Safety of you, who ſit on that Tribunal, was incompatible with the Life of *Clodius*, your Deliverance was owing to the Virtue of *Milo*, rather than the Guardian Genius of *Rome*. But, if the Treachery of *Clodius* ſhould appear plain as the Sun at Noon-day, I ſhall, my Lords, beg, I ſhall conjure you, if we have loſt all other Advantages, that we may retain this one poor Privilege of defending with Impunity our Lives againſt the unjuſt Violence of our Enemies.

BUT before I touch upon thoſe Points that more immediately affect the preſent Queſtion, ſome Things advanced in the Senate often by our Enemies; by Ruffians, and lately by our Accuſers, before a certain Aſſembly, are to be diſcuſſed; that, every Medium of † Error being diſpelled, you may judge of the naked Merits

* *Tribuneſhip of* Milo.] *Annius Milo* was created Tribune the Year after *Clodius* had been ſo.

† *Error being diſpelled.*] The *Clodians*, and eſpecially *Munatius Plancus* and *Quintus Pompeius*, Tribunes of the People, declare for *Milo*'s Death; and founding their Argument upon a former Deciſion, they deny that a Man, who confeſſes he has killed another, ſhould be allowed to live. This Argument *Cicero* anſwers in a moſt pathetic, and, at the ſame time, a moſt artful Manner, by producing Counter-deciſions in parallel Caſes.

rits of the Cauſe. They, my Lords, deny that a Man, who confeſſes he has killed another, ſhould be ſuffered to ſee the Sun. In what Place do theſe Fools think they are arguing? Surely not in that City, where the firſt Deciſion in a capital Caſe was upon the Life of the * brave *Horatius*; who, before the Date of *Roman* Liberty, was acquitted by the aſſembled *Comitia* of the *Roman* People, tho' he *confeſſed* that with his own Hand he had killed his Siſter.

Where is the Man who is ignorant, that, in Caſes of Bloodſhed, the Fact is either abſolutely denied, or, if admitted, maintained to be juſt and lawful? Were it not ſo, *Africanus* muſt be deemed a Madman; who, being publickly aſked by *C. Carbo*, the factious Tribune of the People, what was his Opinion of the Death of † *Gracchus?* anſwered, *That he was*

* *Brave* Horatius.] Under the Reign of *Tullius Hoſtilius*, the three *Curatii* killed two of the *Horatii*; but the ſurviving *Horatius*, animated with uncommon Vigour, and fired at once with the Honour of his Country, and the Death of his Brothers, kill'd all the three *Curatii*: Returning in Triumph from ſo glorious a Victory, his Siſter, the Wife of one of the *Curatii*, met him by the Way, with Tears in her Eyes, bewailing the Death of her Huſband, and teſtifying her Grief for the Victory of the *Romans*: *Horatius*, enraged at this, ſlew his Siſter; and, being apprehended for the Fact, he appealed to the People, and was acquitted.

† Tiberius Gracchus.] *Tiberius Gracchus*, after having been the Author of many Seditions, wanted to be a ſecond Time created

was lawfully killed. Nor can the great* *Ahala Servilius, P. Nasica Opimius,* † *Marius*, or the Senate when I was Consul, be deemed otherwise than criminal, if it is a Crime to put to Death the abandoned of our own Country. Therefore, my Lords, it is not without Reason, that some ingenious Writers have, in fabulous Histories, informed us, that when a Difference in Opinion arose with regard to the

created Tribune of the People; but by the Orders of *Publius Cornelius Nasica* he was, by the Nobles in the Capital, beat to Death with the Splinters of Desks, and his Body thrown into the River.

* Ahala Servilius.] When Famine raged in *Rome*, *Spurius Melius*, a *Roman* Knight, at his own Charge, supplied the Populace with Provisions; and becoming popular by this Conduct, he affected the Sovereignty; but his Designs were frustrated by his Death; for in the Year of the City 314, *Quintus Cincinnatus*, the Dictator, ordered *Servilius Ahala*, Master of the Horse, to kill him, which he accordingly did.

Tiberius Gracchus, having in his Tribuneship procured the Favour of the People by his Largesses, violently oppressed the State; upon which the Senate ordered *Mucius Scævola*, the Consul, to take Arms in the Defence of the Republic: But he refusing this, *Publius Nasica* offered himself as General, and bravely spoke the genuine Language of Patriotism in these Words: *Qui salvam Rempublicam esse volunt, me sequantur*; Let all who wish well to *Rome* follow me.

In the Year of the City 632 this *Opimius* killed *Caius Gracchus*, the Brother of *Tiberius Gracchus*, attempting to raise fresh Seditions in the State.

† Marius.] *Caius Marius* killed *Saturninus*.

When *Cicero* was Consul, he by the Senate's Orders put to Death *Lentulus* and *Cethegus*, together with some others embarked in the Conspiracy of *Catiline*.

Man who had * revenged the Death of his Father, by that of the Murderefs his Mother, the Parricide was acquitted by the Oracle; an Oracle too, my Lords, pronounced by the Goddefs of Wifdom herfelf. And if the † twelve Tables have made it lawful, abfolutely and unconditionally, to kill a Thief in the *Night*, and by *Day*, in cafe he fhall defend himfelf with a Weapon; who can be fo unreafonable as to think that no *Circumftance* or *Manner* attending the Killing of any Man, ought to excufe the Perfon who kills him, from Punifhment? Since it is plain, that the Laws themfelves fometimes put into our Hands, the Sword which is to fhed the Blood of Man.

But if there can be a Time, as there are many, when this is not only lawful but neceffary, it is, when *Force* can be repelled only by

* *Revenged the Death of his Father.*] *Oreftes* is here meant, who killed his Mother *Clytemneftra*, for having imbrued her Hands in the Blood of *Agamemnon* his Father. When he ftood his Trial, the Judges were divided in their Opinions: Upon which an Appeal being made to the Gods, he was acquitted by *Minerva*.

† *Twelve Tables.*] The Laws of the Twelve Tables were enacted by the *Decemviri*, and engraved on twelve Plates of Brafs. The one relating to Theft, according to *Macrobius*, runs thus: *Si nox furtum factum fit, fi in eo aliquis occidit, jure cæfus efto:* If a Theft fhall be committed in the Night-time, the Perfon committing it may be lawfully flain.

by *Force*. When a Military Tribune, a * Relation of *Caius Marius*, attempted to pollute the Body of a Soldier in that General's Army, the Ravisher was killed by the Soldier, who was acquitted by that great Man; since the virtuous Youth chose to avoid, at the Hazard of his Life, what he could not suffer without the Violation of his Honour. To a Traitor then and a Robber, what Death can be deemed unjust?

WHAT avail † those very Guards, and to what Purpose are they suffered to wear Swords, if

* *Relation of* Caius Marius.] This Military Tribune was *Caius Lucius*, the Nephew of *Caius Marius*, and a Wretch so brutally wicked, as to attempt to pollute the Body of one *Trebonius*, a private Soldier, whom he called into his Tent in the Silence of the Night, with a View to execute his more than hellish Purposes: *Trebonius* went into the Tent, and saved his Honour by the Death of the Man who attacked it. This Affair being laid before *Marius*, the Youth was by him not only acquittted, but likewise honoured with a Crown or Garland. This signal Piece of Justice procured the Consulship a third Time to *Marius*.

† *Those very Guards.*] It is very doubtful whether *Cicero* here means the Guards that were attending upon the Trial, or the Train of Attendants that the *Romans* used to travel with. The Original is *Quid Comitatus nostri, Quid Gladii volunt?* I have translated it in the former Sense, as being more oratorical, and proper to make a deeper Impression upon the Minds of the Judges, since we may suppose that he pointed to the Guards while he spoke: Besides, the Whole of this Oration contains many home delicate Strokes upon *Pompey*; and the very Insinuation conveyed here, as I have translated it, could not but have a very deep Effect upon the Audience; for he artfully avoids calling them Guards, and calls them Attendants.

if they are suffered upon no Account to use them? The Law says, that when our Life is endangered by Treachery, or by the insidious Attacks of Robbers and Enemies, all the Means which we can use for our Deliverance, are justifiable. This, my Lords, is * a Law not adopted by Custom, but inherent to our Being; a Law

* *A Law not adopted.*] I have here transposed *Tully*'s Words; a Liberty I shall always take when the Genius of our Language requires it, as it does in this Place; and when it can be done without an Alteration of the Sense. Few Passages of Antiquity have been oftener and more justly praised than this. First, for the beautiful Harmony and sweet Variation of the Periods, the Consideration of which obliged me to take a greater Liberty in translating them. I hope I have preserved all that *Tully* could mean, but as it would be an Injury done to an *English* Reader, not to acquaint him with the precise Terms in which our Author delivered himself, I shall here present him with a literal Translation of the whole Passage: "For this, "my Lords, is a Law not *written* but *born*; *(a Law)* which "we have not learned, received, read; but snatched, sucked in, "squeezed from Nature herself; *(a Law)* to which we have "not been tutored, but formed; we have not been trained, but "tinctured." The next Excellence of this Passage lies in the Closeness of Reasoning contained in it; for *Cicero* here brings his Adversaries into the following Dilemma: *If*, says he, *you are unjustly attack'd, it is either lawful to defend yourself, or not. If it is not lawful, my Client has done right; if it is unlawful, an Absurdity unavoidably follows.* Its last Excellence lies in the fine political Maxim it establishes; for it is upon Extention of this Maxim that all Principles of *Public Liberty*, as well as *private Self-defence*, are built. Various are the Authorities which may be produced from Antiquity, to prove that this Law of Self-Defence is established previous to all Laws; and that it takes place in a public as well as a private Capacity. It may be extended to the Right which all Societies have to repel the Incroachments of Power: And to use our Author's Words, *It puts into the Hands of the People the Sword that is to chastise the Crimes of the Tyrant.* What the Opinion of the Ancients

Law not received, learned, or read, but an eſſential, cogenial, inſeparable Character of Na-
D 4 ture;

Ancients was with regard to this great Maxim of Liberty, we may ſee by the following few, out of a great many other Quotations.

Xenophon, Lib. 4. *Rer. Mem.* " *O Hippias!* Doſt thou believe " that there are unwritten Laws? Yes, thoſe which at all " Times, and in all Nations, are promulged in the ſame Man- " ner. Can you, therefore, aſſert that theſe derive their ob- " ligatory Force from the Will of any Mortals? How can that " be, ſince Mankind differ ſo widely in their Sentiments and " their Languages? Who, then, do you believe were the Au- " thors of theſe Laws? " The Gods, replied *Hippias.*" *Antigone,* " in *Sophocles,* when *Creon* put this Queſtion to her, And didſt " thou dare to trangreſs my Laws? anſwers thus; Theſe " Things are neither poſitively enjoined me by *Jove,* nor am " I obliged to them by the expreſs Command of thoſe inferior " Deities who have eſtabliſhed Laws to Mortals: Nor do I ima- " gine your Edicts to be of ſuch Force and Weight as to be " able to weaken the underwritten Laws of the Gods: For " theſe Laws are not only of Force To-day, or Yeſterday, at " this or that particular Time, but at all Times, and for ever. " Neither can any trace them to their Source." *Ariſtotle* in Book 5. Chap. 15. of his *Ethicks,* makes mention of the ſame Diſtinction in the Words of *Antigone,* in theſe Words: " But " one Branch of the Civil Law is of natural, and another of " poſitive Inſtitution. The natural is every where of equal " Force, and independent of the Sentiments and Opinions, " the Commands and Inſtitutions of Mankind. But as for " the poſitive Part, it was not originally a Matter of Indiffe- " rence, whether it enjoined ſuch and ſuch Things or not; " but, after the Injunction, the Duties enjoined are no longer " of an indifferent Nature." And 3 *Politic.* Cap. 18. Theſe " Laws are nobler, and relating to nobler Duties, which " ſpring up with Nature, than thoſe that are wrote in Codes " and Inſtitutes. *Vide &* 1 *Rhetor.* 10 and 13. This is the " very Law which *Juvenal* ſpeaks of in his 15th Satire:

Senſum a cœleſti demiſſum traximus arce,
Cujus egent prona & terram ſpectantia. Mundi

Prin-

ture; a Law which we have not by *Institution* but by *Constitution*, not derived from Authority, but existing with Consciousness. In short, my Lords, Statutes are silenc'd by Arms; nor do they presume that a Man is to wait for Justice from the formal Decision of a Court, while the * Sword of Violence is ready to put an End to his Life.

EVEN

Principio indulsit communis conditur illis
Tantùm animas, nobis animum quoque; mutuus ut nos
Affectus petere, auxilium, & præstare juberet.

"A social Sense of Good and Evil was by Heaven interwo-"ven with our Maker: This the Brute Creation are not bless-"ed with. To these our common Parent has only given ani-"mal Life, but to Man, a rational Soul, and social Affections, "nobly prompting him to the glorious Intercourses of Friend-"ship and Humanity."

Demosthenes likewise speaks to this Purpose: "If all these "Things shall be confirmed, not only by the Laws of the Land, "but by the Guide of human Actions."

Cicero, in his Book *de Officiis*, speaks thus: "There is ori-"ginally planted in every Species of Animals a Desire of "preserving Life, and of shunning such Things as either ap-"pear destructive of it, or hurtful to it."

Gellius, Book 12, Chap. 5. introduces the Philosopher *Taurus* speaking thus: "The Author of Nature, whose Offspring "we all are, has so effectually wrought the Principle of *Self-"love* and Preservation into our Make and Constitution, that "nothing can be dearer to us, nothing more highly valued by "us than ourselves."

* *The Sword of Violence.*] This is likewise a very judicious and equitable Distinction: The Law, says our Author, does not regard the Instrument or the Event of a Fray, be it murderous; but the Intention and Design with which it began. If, for Instance, a Man who travels shall kill with a Weapon another; the Point of Enquiry in the Trial must be, not whether the person so killing had a Weapon, but whether he wore that Weapon with a murderous Intention, or if he set out with such Intention. If he can prove that he employed his Weapon to

defend

Even that very Law which prohibits not only Murder, but the carrying a Weapon with a Deſign to murder, wiſely, and, in ſome meaſure, tacitly, eſtabliſhes the Right of Self-defence; that, when the Enquiry is not upon the Manner, but the Reaſons of a Man's being killed, the Perſon who kills another with a Weapon, in Self-defence, may never, in the Conſtruction of the Law, be preſumed to wear that Weapon with a murderous Intention: This, my Lords, I hope will be admitted as a Principle, and I make no doubt of being able to prove my Defence, if you keep in your Eye, what it is impoſſible you ſhould loſe Sight of, I mean the Lawfulneſs of killing the Man who lies in wait to murder you.

I come now to conſider an Objection which is frequently in the Mouths of *Milo*'s Enemies; that the Killing of *Clodius* was declared by the Senate to be * an Act of Treaſon againſt the Commonwealth. But, my Lords, how

defend himſelf, his Wearing it was lawful; it was his Wearing it with a murderous Intention that rendered it criminal: but no Action in conſequence of the Principle of Self-defence can be murderous. This is the great Strength of our Author's Pleading.

* *An Act of Treaſon.*] The Senate had two Ways of diſapproving of any Thing: Firſt, when it pronounced the Fact itſelf detrimental to the Republic; Or, ſecondly, when it pronounced

how often did the Senate, not only ſolemnly, but zealouſly approve the Action? How often was this Affair canvaſſed in that Aſſembly? How great was the Satisfaction of the whole Order? How loud, how unreſerved their Applauſe? When in the fulleſt Houſe were found four, or at moſt, five Senators, who did not take the Part of *Milo*? For the Truth of this, my Lords, I appeal to the * ſhort-lived Harangues of that *ſcorched* Tribune, in which he every

nounced the Perſon who did the Thing among the Number of the Enemies. The former Sentence was conceived in more mild and gentle Terms than the latter; but there was in reality no great Difference between them. It is plain *Cicero* could not deny that there were two Decrees of the Senate relating to the Caſe of *Milo:* The one, *That this Murder was committed to the Detriment of the Commonwealth*; the other, *That* Pompey *ſhould ſee that the Commonwealth ſhould ſuſtain no Damage.* By the former of which he was judged an Enemy who acted againſt the Republic: By the latter, *Pompey* was veſted with a Power of raiſing an Army, waging War, exerciſing a cœrcive Power both over Citizens and Allies; and exerciſing a ſovereign Authority both in the State and in the Army. Theſe Decrees of the Senate undoubtedly bore ſo hard upon *Milo*'s Cauſe, that he in a manner ſeemed already condemned by the Senate. For this Reaſon *Cicero* endeavours to mitigate the former Decree of the Senate, and denies that it ever was the Intention of that Body to condemn the Conduct of *Milo* in this particular Caſe. Nay, by a Rhetorical Inverſion, he maintains, that the Murder was approved of by the Sentence of the Senate; for the Adverſaries reaſoned from an equivocal Topic, becauſe there was a great Difference betwixt theſe two Queſtions, viz. *Whether the Murder of* Clodius *was an Act againſt the Republic?* And this other, viz. *Whether it was an Act againſt the Republic thro' the Intention or Fault of* Milo?

* *Short-lived Harangues.*] The Expreſſion here is *intermortuæ conciones*, which may be tranſlated either as I have rendered it, or *inſipid Harangues.*

every Day invidiously alledged, that the enators decreed not according to their own Sentiments, but * in Compliance with my Direction; and daily inveighed against my *Power*. If you † choose to call it *Power*, rather than a reasonable Degree of Authority in a rightful Cause, to which one may have a Title by extraordinary Services to his Country; or a moderate Credit with worthy Men, on Account of my painful Endeavours to promote the public Good; you may term it so, provided I shall always exert it in Protection of the Virtuous against the Fury of the Wicked.

BUT

* *In Compliance with my Direction.*] He said that I was so very powerful in the Senate, that not one of the Senate durst so much as mutter against me; and this he did with a Design to stir up the Envy of my Fellow-Citizens against me, and to represent me as sharing a more extensive Power than any Member of a free Commonwealth ought to do.

† *Choose to call it Power.*] Though in this Passage there is no glaring Pomp of Words, yet the Reader of Taste cannot fail to be struck and charmed with the Art and Address of the Orator. *Cicero* knew well enough that the Word *Power* sounded harsh in *Roman* Ears: And that the Man, who was thought to possess it, stood a fairer Chance to be the Butt of Envy, than the Object of Love. He, therefore, in a most popular, but at the same Time, in a most beautiful Manner, sinks (if I may so speak) as much of his Power as he possibly can, or rather disclaims it altogether; but does not forget to point at those Toils and Watchings, those Labours and Fatigues, that were the Steps by which he rose to it. "It can't be said, says he, that "I possess my Share of Power; some Authority indeed I "have; and that too is but moderate, since it only enables "me to protect the Innocent, but not to elude the Force of the "Law, by screening the Guilty from the Lash of Justice: But, "since you will call it Power, let me not refuse the Name; "provided, by the Thing itself, I can succour the Distressed, "and

But this * special Commission, tho' I am far from saying it is iniquitous, was what the Senate

" and be extensively used to my Fellow-Creatures." *Cicero*, in his second Book *de Oratore*, shews how an Orator, who is possessed with Power, ought to prevent, or at least mitigate and soften, the Envy arising to him from that Circumstance. " But " when you want to allay Envy, you are to say, that such " Honours were acquired thro' much Toil and many Dangers, " and that they have not been applied to the Possessor's pri- " vate Advantage, but to that of others; and that, if he has " seemed to have acquired any Glory, yet so self-denying he " was, that tho' he had justly earned it by his Dangers, it was " so far from giving him Pleasure, that he undervalued and " set it all aside. And we must by all means endeavour to beat " down all their Reflection upon his Greatness, and to work " upon our Speech so as that the Distinction of his Fortune " should still be mingled with the Reflection upon his Toils " and Hardships: The Reason of this is, because the World " is apt to envy; it is the reigning, the standing Vice, and " feeds upon exalted and flourishing Fortune. Compassion is " moved, if the Hearer can be brought to apply to his own " Case the afflicting Circumstances that are deplored in ano- " ther's, whether they are already past, or dreaded; or, by " looking upon another frequently to turn his Eye into his " own Breast." How closely does *Cicero*, in this Passage, follow the Rules he had formerly laid down with so much Accuracy and Judgment?

* *But this special Commission.*] By the *Quæstio* the *Romans* meant that kind of public Trial in which the respective Prætor presided; under whose Cognizance any particular Crime came, as that of Adultery, for instance. The *Cognitio*, on the other hand, was an extraordinary Trial, when either the Crime was so atrocious as to deserve an extraordinary Punishment, or such as had no particular Law against it. Before the Courts for Trials of this Nature were by *Sylla* rendered perpetual, the Persons who were to judge in these Crimes were chosen by the Senate; but, after they became perpetual, any Prætor took Cognizance of a Crime, provided it came within his particular Office. For this Reason *Cicero* complains that this Trial for the Murder of *Clodius* (which, belonging properly to the ordinary Law, ought to have come before the Prætor, who was to try Murder or Bloodshed during that Year;) was converted into an extraordinary Trial by the Senate's appointing a Judge.

Senate never thought fit to grant; becauſe many Laws and Precedents, both with regard to Riots and Murders, are extant. Nor indeed was that Aſſembly ſo deeply affected by the Death of *Clodius*, as to * iſſue out any ſuch extraordinary Commiſſion. For who can imagine that the Senate, who was deprived of the Power of judging him upon the Commiſſion of an † inceſtuous Whoredom, would grant any

* *Iſſue out, &c.*] This Reaſoning is from a Parity of Circumſtances: As by the Interceſſion of *Quintus Lucius Calenus*, the Tribune of the People, the Senate was deprived of a Power of appointing a new Trial with regard to the Inceſt of *Clodius*; who can believe that they ſhould think of appointing an extraordinary one on account of his Murder? For when by a Decree of the Senate it was appointed that the People ſhould inſtitute Judges, in the Affair of *Clodius*'s Inceſt, *Lucius Fuſius Calenus*, a Tribune of the People, and an inveterate Enemy to *Cicero*, oppoſed it; which when *Hortenſius* ſaw (though he had before ſtood up ſtrongly for it) he tamely agreed to this, that *Lucius Fuſius* ſhould make a Motion to the People for *Clodius*'s being tried in common Form for Sacrilege.

† *Inceſtuous Rape.*] *Clodius* was accuſed of having committed this inceſtuous Rape in *Cæſar*'s own Houſe, upon his Wife *Pompeia*. That the Reader may not be at a Loſs for the Reaſon of its being called inceſtuous, I muſt inform him, that the *Romans* ſtiled a Rape inceſtuous, not only when it was committed upon a Perſon's own Kinſwoman, but alſo upon any of the Veſtal Virgins, or any Woman immediately employed in performing the Rites or Ceremonies of any of their Gods. See *Iſidorus*, Book 10, *Orig*. Thus, though *Pompeia* was neither a Veſtal, nor the Kinſwoman of *Clodius*, yet the Rape committed on her is ſaid to be inceſtuous, becauſe ſhe was at that very Time performing the Service of the Goddeſs *Bona*; on which Occaſion the Women were wont not only to abſtain from touching Men, but even to baniſh them from the Houſe in which the Rites were to be performed. Nay, they were ſo ſuperſtitiouſly rigid in this Particular, that they veil'd the Faces of all the Male Animals they had Occaſion to ſee.

any extraordinary Commiſſion for enquiring into the Circumſtances of his Death? But why then (may it be ſaid) did the Senate adjudge the Burning of the Court, the Attack upon the Houſe of *Lepidus*, and this very Bloodſhed, to be Acts of Treaſon againſt the Commonwealth? Becauſe all Acts of Violence committed in a free State, by one Citizen againſt another, are, in the Eye of the Law, preſumed to be committed againſt the State. For, tho' ſuch a Defence againſt Violence is never *deſirable*, yet ſometimes it may be *unavoidable*; nay even on the Days when the *Gracchi* were killed, and when the armed Force of *Saturninus* was ſuppreſſed, when, tho' all was done for the public Welfare, yet the Republic received a Wound. Therefore I was of Opinion, that, when it appeared a Man was killed on the * *Appian* Way, the

* Appian *Way.*] *Cicero* here artfully inſinuates, that though the Senate had found the Fray upon the *Appian* Way, to be an Act of Treaſon againſt the Common-wealth; yet that *Milo* could never be affected by that Decree, becauſe, ſays he, it was the Violence that conſtituted the Treaſon. Now *Clodius*, the Aggreſſor, was the Author of the Violence, and not *Milo*, to whom the Principles of Self-defence, without any Regard to the Conſequences, gave a Right to preſerve his own Life. The Reader may here perceive, that, had *Milo* been tried upon this general Decree of the Senate, which comprehended three Facts, he muſt have been acquitted, and his Adverſaries condemned; becauſe two of theſe Facts, which were the Burning of the Courts, could have eaſily been fixed upon his Adverſaries. Theſe laſt were aware of this, and therefore had the Precaution to order it ſo, as that a ſpecial Trial might be appointed for the Murder of *Clodius*, which, having no Relation to the two poſterior Facts, deprived

the Perſon who acted on the defenſive, was guilty of no Act of Treaſon againſt the State. But, as the Caſe included a Charge of premeditated Violence, I reſerved the Cognizance of that to the proper Judges, and I admitted of the Fact. And, if the Fury of that ſeditious Tribune had ſuffered the Senate to act according to its own Sentiments, we ſhould at this Time have had no new Commiſſion for a Trial; for the Senate was coming to a Reſolution, that the Affair ſhould only be ſpecially tried, according to our ancient Laws. The Vote was divided, at whoſe Requeſt I ſhall not ſay; for it is unneceſſary to diſplay the perſonal Faults of every Man; thus the Authority remaining in the Senate was by a mercenary Interpoſition aboliſhed.

BUT it may be ſaid, that *Pompey*, by the Bill which he brought in, had an Eye both to the *Action* and its *Motives*. For its enacting Cauſes related to the Bloodſhed committed in the *Appian* Way, where *Publius Clodius*

deprived *Milo* of all the Advantages he could take, by fixing the greateſt Part of the Guilt, to which the Decree had a Reference, upon the Proſecutors themſelves. See *Aſconius*'s Argument.

* *The Vote.*] The Vote was divided: When any of the Senators approved any one Part of a Bill, but diſliked any other Clauſe of it, he deſired that the Queſtion might be *divided*; to the end, that neither the Whole of it might be rejected, nor every Part enacted.

dius was killed. But what did it enact? Why, that it may be tried. What was to be tried? Whether it was committed? Nobody disputes that it was. Then, by whom? That we likewise confess. Thus *Pompey* perceived, tho' the *Fact* was confessed, yet that still a Matter of *Law* might arise to acquit the Prisoner. I say, that, unless *Pompey* had been sensible that the Prisoner, upon Confession, might be acquitted, when he perceived that we confessed, he would never have ordered * a new Commission for a Trial, nor have put, my Lords, into your Hands a † *saving* as well as a *condemning* Letter. Surely to me, *Pompey* seems

* *A new Commission for a Trial.*] This is one of the most artful Strokes ever introduced into any Pleading: *Cicero* was well aware that *Pompey* was no Friend to *Milo*; and that it was intirely owing to him that this new Trial was appointed. He was likewise sensible that *Pompey*'s Authority was so great, as to render it almost impossible for him to carry his Point, should the flatly accuse him of Partiality: Therefore, by a very unusual Address, he finds Means to insinuate, that *Pompey* was really *Milo*'s Friend: This he does by insinuating, in the first Place, as if *Pompey* had known that, if *Milo* should be admitted to prove his Plea of Self-defence, he could easily do it, and must therefore be acquitted. In the next Place, that *Pompey* had found Means to raise such Men to the Bench on that Occasion, as were *Milo*'s Friends. And lastly, as if all he had done seemingly severe against *Milo* had been owing to the Necessity of the Juncture, and a Regard to his own Character.

† *A saving as well as a condemning Letter.*] The Letter (A) is by *Cicero* stiled a lucky Letter; because when the Judges put it into a certain Urn, designed for that Purpose, they thereby acquitted the Criminal, and pronounced him innocent; as the Letter (C) is on the other Hand stiled an unlucky, or inauspicious Letter; because the Judges, by putting it into the Urn, condemned the Party at the Bar.

ſeems not only to have decreed nothing harſh againſt *Milo*, but his Deciſion appears to direct you in the Point which you ought principally to have in View. For, to grant a Perſon, who is convicted of a Fact upon his own Confeſſion, the Liberty of making his own Defence, is a plain Implication that the Judges are of Opinion, that the Inquiry ought not to be upon the Matter of *Fact* but of *Law*. Now *Pompey* is at Freedom candidly to declare, whether his Proceeding in this Affair was from a Regard to the Memory of *Clodius*, or to the Neceſſity of the Juncture.

* *M. Druſus*, a Tribune of the People, a Man of the higheſt Quality, an Aſſertor, nay, in theſe Days, almoſt the Protector of the Rights of the Senate, and Uncle to the brave *Marcus Cato*, one of our Judges, was killed in his own Houſe. But the People never intermeddled

* *Marcus Livius Druſus* (who by *Velleius*, in his ſecond Book is ſtiled a Man moſt brave, moſt eloquent, and powerful; and who according to *Plutarch* was a leading Man in the Senate) when he ſaw the whole Senate groaning under the ſeditious Laws of *Tiberius Gracchus*, he conceived a Deſign of reſtoring it to its former Dignity, and recovering its wonted Authority, which was now lodged in the Equeſtrian Order. The better to carry on his Deſign, he pretended to be in the Intereſts of the People; and promiſed to beſtow the Liberty of the City upon all the *Latins*; which, when he delayed to do, they in a very ſharp Manner demanded that he would ſtand to his Promiſe: At length, when the People underſtood that he had ſo played the Hypocrite with them, an unknown Party of them ſlew him in his own Houſe.

with the Enquiry into this Murder, nor did the Senate grant any extraordinary Commiſſion for a Trial on that Account. We have heard from our Fathers the Grief, the Conſternation, which appeared in this City, when *Publius* * *Africanus* in the Night-time was aſſaſſinated, as he repoſed on his own Bed. What Breaſt then was ſo obdurate as not to ſigh, what Heart ſo inſenſible as not to grieve, that a Man whom the Wiſhes of Mankind, could Wiſhes have prevailed, would have rendered immortal, ſhould be cut off before the natural Courſe of his Life was fulfilled?

WAS then no new Trial granted for enquiring into the Death of *Africanus*? None: Why? Becauſe Murder is † equally heinous in its own Nature, whether it is the Fate of the Eminent or the Obſcure. A Difference indeed lies in the two Characters; but the impious Murder of the one is ſubjected to the ſame Penalty, and

* Africanus *in the Night-time.*] *Publius Africanus Minor*, oppoſing the Triumviri, *Caius Gracchus*, *Lucius Fulvius*, and *Cneius Carbo*, for making an Attempt to divide the Lands, was found dead in his Chamber in the Morning, though the Day before he had returned from the Senate. There was no Search made who were his Murderers.

† *Equally heinous.*] *Cicero*, if not a profeſſed Stoic, was yet at leaſt a great Admirer of the Notions of that Sect, for one of which he thus argues, *viz.* " That all Crimes are equally " black in their own Natures; and that the Morality of Ac- " tions is rather to be eſteemed from the Motives of the Agent, " than from their good or bad Effects upon Society."

and judged by the ſame Laws, with that of the other; unleſs it be ſaid that the Crimes of a Parricide receive ſome Aggravation from his killing a Senator, beyond what they would have admitted of, had he been the Murderer of a private Perſon; or that the Circumſtances of the Death of *Clodius* were more heinous, as he fell upon the Monuments of his Family; for that too has been inſiſted upon; as if the great *Appius Cæcus* had paved that Road, not to be a Conveniency, and an Ornament to his Country, but as a Sanctuary to ſcreen the Felonies of his Poſterity.

When *P. Clodius* on the ſame Road * killed *M. Papirius*, that accompliſhed *Roman* Knight, his Crime muſt paſs unpuniſhed; for, as he was a Perſon of Quality, he had only killed a *Roman* Knight upon the Monuments of his own Family. What a fruitful Source of Declamation has this *Appian* Name afforded! While it was ſtained with the Murder of a brave and an innocent Man, it was never mentioned; but

* *Killed* Marcus Papirius.] The Son of *Tigranes* was kept at *Rome* by one *Valerius*, a *Roman* Knight. At a Feaſt *Clodius* aſked his Liberty of *Flavius*, knocked off his Chains, and put him on board a Veſſel for his native Country; but he was driven back by a Tempeſt. When this Youth was committed by *Sextus Clodius*, to be delivered to *Pompey*, who re-demanded him, *Flavius* marched forth with a Deſign to reſcue him, and a Skirmiſh enſued about four Miles from the Town; in which *Papirius*, a *Roman* Knight, loſt his Life.

now, that it is diſcoloured with the Blood of a Robber and a Murderer, it is become a Common-place of Converſation. But why do I dwell upon theſe Circumſtances? When a Slave of *P. Clodius* was ſeized * in the Temple of *Caſtor*, where he had been placed to aſſaſſinate *Pompey*, the Wretch confeſſed the Deſign, as they were wreſting the Dagger out of his Hand. *Pompey* afterwards abſented from the *Forum*, he abſented from the Senate, he abſented from the Public, and thought fit to put himſelf under the Protection of the Wall and Gates of his Houſe, rather than of the Laws and Judges of his Country. But did any Law at that Time paſs? Was any extraordinary Commiſſion for a Trial then granted? Yet if ever any Circumſtance was ſo affecting, if ever any Perſon was of ſuch Dignity, if ever any Juncture was of ſuch Importance, as to make that Meaſure expedient; in this Caſe they ſtrongly operated: A Traitor was poſted in the *Forum*, even in the Threſhold of the Senate-houſe, with a Deſign to aſſaſſinate the Man upon whoſe Life the Preſervation of the State depended, and a Juncture too, ſo critical to the Republic, that, had he then fallen, not only this City, but the Body of the *Roman* Empire, muſt have ſhared in his Fate. And did he eſcape Puniſhment, only be-

cauſe

* *The Temple of* Caſtor.] The Temple of *Caſtor* was contiguous to the *Forum* and the Senate-houſe.

cauſe his Deſigns proved abortive? As if the Laws of *Rome* were to regard, not the Intention of the Criminal, but the Succeſs of his Crime. The Villainy, not being penetrated, did indeed alleviate the Grief of the Public, but never could extenuate the Guilt of the Villain.

How often, my Lords, have I myſelf eſcaped the threatening Sword, and butchering Hand of *Clodius?* And if I had not owed my Safety to my own, or by Country's good Fortune, where is the Man who would have procured an extraordinary Trial upon my Death? But it is weak in me to preſume to compare a *Druſus*, an *Africanus*, a *Pompey*, or a *Cicero* to *Clodius:* Their Lives could eaſily be diſpenſed with; but, at the Thought of the Death of *Clodius*, the Senate is afflicted: the whole Equeſtrian Order grieved, the City all of a ſudden is ſtruck with Age and Infirmity, the *Roman* Corporations are in Mourning, our Colonies in Conſternation, even the Fields themſelves regret the Loſs of a Citizen, ſo benevolent, ſo upright, and ſo humane. Theſe were not, my Lords, indeed they were not, the Reaſons why *Pompey* thought himſelf obliged to order a Commiſſion for a ſpecial Trial. But that prudent Perſon, who is endued with an almoſt divine Penetration, comprehended many Points within his View.

He reflected that *Clodius* * had been his Enemy, that *Milo* was his Friend, and justly dreaded, that, if he appeared to share in the general Joy, he might appear insincere in the Ties of a newly-cemented Friendship.

He had a great many other Circumstances in his Eye; but this especially, that though he was obliged to enact with Severity, yet, that you, my Lords, would judge with Courage. He therefore chose for Judges the very Lights of our most illustrious Bodies, nor, as has been falsely asserted, did he keep my Friends out of the Commission. This is what that excellent Person never had in his *Thoughts*; and, if he confined his Choice of the Judges to Men of Probity and Honour, he could not have had it in his Power. My Interest, my Lords, is not confined to my † intimate Friends, who cannot be numerous, because the endearing Familiarities of Life can never be very extensive; but, if I have any Interest, it is owing to the Connexions

* *Dio*, in the xxxixth Book of his History, gives us an Account of this Reconciliation, which was by *Clodius* taking *Pompey*'s Part, and appearing in his ordinary Dress, after the Senate had decreed a public Mourning, because they could not prevent *Pompey* and *Crassus* from solliciting the Consulship for the second Time.

† *Plutarch*, in a Treatise of his upon Multiplicity of Friendships, has a fine Passage upon this Subject: *As Rivers*, says he, *when divided into many Streams flow shallow and languid, so Passion, when dissipated amongst many Objects, is feeble and ineffectual.*

nexions which my public Character has led me into with the beſt Men in the Commonwealth. As *Pompey*, therefore, wiſely thought that his Reputation was intereſted in chooſing the *beſt* from among all *good* Men to ſit upon that Tribunal, he was under a Neceſſity of chooſing my Friends.

In making you, * *Lucius Domitius*, the Preſident of this Court, he conſulted nothing but Equity, Reſolution, Humanity, and Honour. By his Law he enacted, that the Preſident of this Court ſhould be a Perſon of † Conſular Dignity; becauſe, I ſuppoſe, he held it as a Maxim, that Men of Diſtinction ought to be Proof againſt the Attacks, both of an inconſtant Populace and a deſperate Faction: And that he diſtinguiſhed you from the reſt of your Order, is owing to the many conſpicuous Proofs, which from your early Youth you have given of your Contempt of popular Madneſs.

* Lucius Domitius.] *Cneius Manlius* ſeditiouſly enacted a Law, that the Freed-men of every Tribe ſhould be veſted with a Power of voting: And, when he had forcibly taken Poſſeſſion of the Capitol, he was driven from it by *Cneius Domitius*, the Prætor, and many of his Followers ſlain.

† It was very unuſual for any Perſon of Conſular Dignity to try a *Roman* Citizen. *Pomponius* de Orig. Jur. l. ii. §. 22. ſays, *that this was the Province of the Quæſtors who were created Preſidents of Criminal Courts; nor could a Conſular ſit there, but by ſpecial Appointment of the People.* It is true, *Domitius* was not immediately appointed Preſident of this Court by the People, but the People had devolved all their Power upon *Pompey*.

Therefore, my Lords, that we may at laſt come to the Nature of this Crime, and the Merits of the Queſtion; if the Confeſſion of the Fact is by no Means unprecedented, if the Determination of the Senate has been entirely agreeable to what we contended for, if the very Enactor of the Law was of Opinion, that, though no Queſtion of Fact could ariſe, yet there might of Law; if the Judges who were choſen, if the Preſident who was appointed, were Men who can diſtinguiſh upon all thoſe Points with Equity and Underſtanding, all that remains now, my Lords, to be diſcuſſed is, who the Party was that laid the Ambuſh for the other. That I may more eaſily and clearly handle this Point, I beg your Attention, while I give a ſhort State of the Fact.

After *Publius Clodius* had reſolved, when created Prætor, to plague his Country with every Species of Oppreſſion, and ſaw from the tedious Management of the *Comitia* the Year before, that he could not for many Months enjoy his Dignity; not conſidering it as a Step to other public Honours, as the reſt of the Candidates did; unwilling to act as Colleague with a Citizen of the conſummate Virtue of * *Lucius*

* Lucius Paulus.] *Lucius Paulus*, ſays *Cicero* againſt *Vatinius*, was a Man deſigned by Nature for ſupporting and defending the Commonwealth, *Clodius* refuſed him as his Colleague, upon the Account of his ſpotleſs Honour, and untainted Character.

cius Paulus, and deſirous of having his Power to oppreſs his Country extended to twelve Months, he all of a ſudden reſerved the Intereſt, he had made for that Year, to the ſucceeding; not from any * religious Scruple, but, as he himſelf owned, that he might have a full and complete Year for enjoying his Prætorſhip, or, in other Words, for *ruining his Country*.

He reflected, that the Exerciſe of his Prætorial Power muſt be cramped and feeble, ſhould *Milo* be Conſul, whom he perceived the univerſal Applauſe of the *Roman* People was ready to raiſe to that Dignity. He then ſtruck in with the † Candidates who oppoſed *Milo*, but ſo, as to manage the whole Sollicitations, and overrule them in every Inſtance; that, as he himſelf boaſted, he might ſupport all the Courts of Juſtice upon his own Shoulders. § He ſummoned the Tribes: He thruſt himſelf into their De-

* Orig. *Religione aliqua.* The Word *Religio* had a very different Signification amongſt the *Romans*, from what the Word *Religion* has with us. Nothing was more common than for a ſeditious Magiſtrate to pretend ſome wayward Omen, or ſuperſtitious Trifle, and thereby break off the Buſineſs of the moſt important Aſſemblies. The *Romans* were extremely tender-conſcienced in this Point, and it produced great Inconveniences to their State.

† When *Milo* ſtood Candidate for the Conſulate, he had for Competitors *Publius Plautius Hypſæus* and *Quintus Metellus Scipio*, who were not only profuſe in their Largeſſes, but alſo backed with Factions of armed Men.

§ At firſt the whole Body of the *Roman* People was divided into three Parts, and upon that Account called Tribes: But,

Deliberations, and formed a new *Collinian* Tribe, by enrolling into it a Number of the moſt abandoned Citizens. The more that *Clodius* endeavoured to confound, the more *Milo* appeared to prevail. But, when the execrable Villain ſaw this brave Man, this irreconcileable Foe, muſt infallibly be Conſul; when he found his Election ſure, not only by the Diſcourſes, but by the Votes of the *Roman* People, he then threw off the Maſk, and openly declared that *Milo* muſt be ſlain.

He next brought from the * *Apennines* thoſe ruſtic † barbarous Slaves, whom you uſed to ſee, by whom he had depopulated the public Foreſts and plundered *Tuſcany*. This was by no means a dark Tranſaction, for he openly boaſted, that, if

But, the People afterwards growing numerous, they were divided into thirty-five; but ſtill retained their old Names of Tribes. Every one of theſe thirty-five Tribes had its reſpective Ward allotted for it, to ſerve as a Boundary betwixt it and the reſt of the Tribes, during the Holding of the *Comitia*.

Clodius promiſed to tranſplant a Colony, provided he obtained the Prætorſhip. This he did with a View to bring the Poor over to his Intereſt, and procure their Voices.

* It was cnſtomary for thoſe of the *Romans* who were rich, to keep a great Number of Servants upon their Country Farms; ſome of them would keep to the Number of 10,000 of them.

† All Foreigners were by the *Romans* called Barbarians, either becauſe they ſpoke a Language different from their own, or becauſe they had an unpolite and uncourtly Turn in their Behaviour.

The *Apennine* Mountains are about ſix hundred Miles in Length, and divide *Italy* in two Parts.

if he could not deprive *Milo* of the Consulate, he could of his Life. This he hinted in the Senate, and declared in the Assembly: For * when *Favonius*, a Man of Virtue and Courage, asked him, What had become of all his hopes of gratifying his Fury, if *Milo* lived? He answered, *That in three or four Days* Milo *should be dead.* This Expression was immediately communicated to *Marcus Cato* by *Favonius.*

In the mean Time, as soon as *Clodius* knew, as is was easy for him to do, that *Milo* was to set out upon a solemn, a legal, an indispensable Duty, and that he was obliged by the 18th of *January* to be at † *Lanuvium*, where he was Dictator, in order to appoint a Priest, he suddenly went from *Rome*, as appears by the Event, that he might surprize *Milo* in his own Grounds. Nay, he was so precipitately bent upon his Treachery, as to leave ‡ a tumultuous Meeting which he had summoned that very Day, and which required to be animated by his own factious

* *Favonius* was a Man much caressed by *Cato*, and a thorough Admirer of his Constancy and Principles.

† *Lanuvium* is a free Borough, about twelve Miles distant from *Rome*, and is by *Appian* said to be built by *Diomedes*, upon his Landing in *Italy* after the Siege of *Troy*. In it is the famous Temple of *Juno*, the Goddess of Health; to officiate in which Temple a Priest was yearly appointed by the Dictator.

‡ The same Day on which *Clodius* was killed, *Caius Sallustius* and *Quintus Pompeius*, Tribunes of the People, both inveterate Enemies to *Milo*, made Speeches tending to sow the Seeds of Mutiny and Faction in the Minds of the People, but especially *Pompeius*.

tious Spirit. This he never would have done, had he not been reſolved to be exact to the preciſe Time and Place of the Aſſaſſination.

BUT *Milo*, after having been in the Senate that Day till the Houſe broke up, came Home, ſhifted his * Shoes and his Cloaths, and, as uſual, waited a little while his Wife was getting ready. He then ſet out, much about the Time when *Clodius*, had he deſigned to come to *Rome* that Day, might have returned. *Clodius* meets him, equipped, upon Horſe-back, unattended by his Chariot, without any Incumbrances, without any of his uſual *Grecian* † Servants, and, what was more extraordinary, ‡ without his Wife. While the Traitor before you, who had ſet out with a murderous Intention, was riding in a Chariot with his § Wife, muffled up in his Cloak, ſurrounded by a numerous Incumbrance of common Servants, fearful Women, and feeble Boys.

ABOUT

* The Shoes were a diſtinguiſhing Mark of a Senator, and a Part of his Senatorial Dreſs.

† The richer Sort of the *Romans*, when they travelled, were for the moſt part accompanied with ſome *Grecians*, who were either Muſicians for their Diverſion, or Philoſophers for their Improvement and Inſtruction.

‡ *Milo* had for his Wife *Fauſta*, the Daughter of *Sylla*, the Dictator.

§ *Clodius* had for his Wife one *Fulvia*, who was afterwards married to *Antonius*: She bore *Cicero* ſuch an implacable Hatred, that after his Death ſhe ſpit upon his Head, and thruſt a Bodkin through his Tongue.

About an Hour before * Sun-ſet he meets *Clodius* near his own Eſtate; a Body of Men, taking Advantage of a riſing Ground, immediately attack him with their Darts; his Coachman is killed; he himſelf throwing off his Cloak, ſprings to the Ground, that he might ſell his Life as dear as he could. The Party which was with *Clodius*, drawing their Swords, run back to the Chariot that they might attack him behind; another Party, who imagined him already dead, began to murder his Slaves who had not come up; ſome of them, who were true to their Maſter, and were moſt forward, were killed; while the others ſaw the Encounter near the Chariot, and, unable to advance to their Maſter's Aſſiſtance, heard from *Clodius* himſelf that he was dead, and actually believed he was: The Slaves of *Milo* then acted, I ſpeak not with an Intention to ſhift the *Charge*, but to repreſent the *Fact*, without the Orders, without the Knowledge, without the Preſence of their Maſter, † as every Man would wiſh his own

* The *Romans* reckoned twelve Hours from the Riſing to the Setting of the Sun; which Hours were longer or ſhorter according to the Length or Shortneſs of the Days. And, as this Engagement happened on the 20th Day of *January*, their ſeventh Hour will correſpond to our Half an Hour after Three in the Afternoon.

† The Addreſs which *Cicero* here uſes, in evading the Groſſneſs of Expreſſion, has been greatly and juſtly celebrated by *Quintilian* and others. Our Author ſeems to have borrowed it from an Expreſſion of the ſame Kind, in the Oration of *Demoſthenes*

own Servants ſhould act, were he in the like Circumſtances.

WHAT I have laid before you, my Lords, is, the naked *Fact*; the Traitor was conquered; *Force* was repelled by *Force*, or rather Audaciouſneſs was overpowered by Courage. I ſhall not mention the Conſequences of this Action to the Republic, to you, its Conſequences to every good Man: They are not, it is true, of any Service to *Milo*, whoſe Deſtiny is ſuch, that he could not even preſerve himſelf without ſaving you and his Country. If this was unwarrantable, I will then give up his Defence; but if Reaſon preſcribes to the Inſtructed, Neceſſity to Barbarians, Cuſtom to Nations, and Inſtinct to Brutes, that they ought, by every Mean they can call in to their Aſſiſtance, to repel all Violence

thenes againſt *Midias*. There is, among many other Inſtances of the like Evaſion among the *Greeks*, a People remarkable for Decency of this Kind, a fine one in *Æſchylus*'s Tragedy of *Agamemnon*, where the Chorus, ſpeaking of *Iphigenia*'s Death, ſays:

> Τὰ δ' ἔνθεν, ὄτ' εἶδον, ὄτ' ἐννέπω,
> Τεχναί δὲ Κάλχαντος ἐκραντοί.
> *I neither ſaw nor ſpeak what follow'd next,*
> *But* Calchas' *Arts obtain'd too well their Ends.*

But the pretrieſt Inſtance I know of this Manner, in any Author, is in *Herodotus*, who, ſpeaking of a Perſon who muſt either die himſelf, or kill his Maſter, ſays: Ἑώρα ἀναγκαίην ἀληθέως προκειμένην, ἢ τὸν δεσποτέακτείναι ἢ αὐτὸν ὑπ' ἄλλων ἀπολλύσθαι αἱρέται αὐτός περίεναι. *He perceived the fatal Alternative; his Maſter muſt either fall by his Hand, or he by that of another; —— he choſe to be the Survivor.* Lib. I.

lence offered to their Bodies, * their Reputations, or Lives: You, my Lords, ſurely cannot adjudge this to be an unlawful Action, without at the ſame Time putting every Man, who falls into the Hands of Ruffians, upon the melancholy Alternative of periſhing, either by their Swords, or your Deciſions.

HAD *Milo*, my Lords, been of this Opinion, it had been much more eligible for him to have expoſed his Throat to the Sword of *Clodius*, more than once before lifted againſt his Life, than to be put to Death by you, only for refuſing to be butchered by him. But, if you are unanimouſly of a contrary Opinion, the proper Queſtion then is not, if *Clodius* was killed, for that we confeſs, but if he was killed *juſtly* or *unjuſtly*; a Point of Inquiry that has been before canvaſſed in many Trials. That Treachery has been practiſed, is certain; and this is what the Senate adjudged to be an Act of Treaſon. By whom it was practiſed is uncertain, therefore this Court was conſtituted to inquire. Thus the Decree of the Senate related to the *Action*, not to the *Man*; and *Pompey* appointed the Trial,

* None of the Commentators upon this Oration have taken Notice, that *Cicero* here uſes two Words which are generally thought to be ſynonymous; *a Capite, a Vita ſua*; but *Caput*, in the *Roman* Law, ſignified a Man's Reputation or Character in Life, which was ſuppoſed to be as dear as Life; hence a Trial of Bankruptcy, or any Scandal which implied infamy, tho' the Puniſhment was not Death, is called *Cauſa Capitalis*. See my Notes upon the Oration for *Quintus*, Vol. III.

Trial, not upon the Matter of *Fact*, but of *Law*. Is there therefore nothing elſe to be decided here but who was the Aggreſſor? Nothing. If *Milo* was, whether he ought to be unpuniſhed? If *Clodius* was, whether he ought not to be acquitted?

BUT how can it be proved that *Clodius* waylaid *Milo?* It is enough, my Lords, if ſo lawleſs, ſo preſumptuous a Brute found ſtrong Reaſons perſuading, flattering Hopes inviting, and vaſt Advantages ariſing from the Death of *Milo*. The Queſtion of * *Caſſius* therefore, WHAT END COULD IT SERVE, is very applicable here. Though no Advantage can tempt good Men, very trifling Conſiderations lead the Wicked into Crimes. *Clodius*, by the Death of *Milo*, was to gain not only this Point, that, when he ſhould be Prætor, the Villainy of his conduct could be under no Check from *Milo* as Conſul, but likewiſe, that he muſt have been Prætor under ſuch Conſuls, by whoſe *Connivance*, if not *Aſſiſtance*, he ſtill hoped that † he might brave the Republic

* *Caſſius*, ſays *Aſconius*, was a Man of uncommon Severity; and always, when he was Examiner in any Caſe of Murder, he not only exhorted, but commanded the Judges, that they ſhould inquire what Proſpect of Advantage could ariſe to the Murderer from the Fact. *Valerius Maximus*, lib. iii. cap. 7. reports, that his Tribunal, upon account of his unreaſonable Severity, was commonly called the Rock on which the Guilty ſplit.

† The Commentators, who are always moſt teizingly officious where there Aſſiſtance is leaſt required, are ſilent upon the

public in his frantic Projects; he farther conjectured, that they would not, had it been in their Power, oppose his Designs, since they lay under so strong Obligations to him; and that, perhaps, it might have been out of their Power, had they attempted to chastise the Presumption of so abandoned a Wretch, now confirmed and hardened by a long Perseverance in Wickedness.

ARE you, my Lords, alone ignorant? Are you only Passengers in this City? Are you Strangers to what was the common Talk of the

the Original here, which is, *Sperasset se rempublicam eludere in illis suis cogitatis furoribus*. The President *Boulier*, who wrote some sensible Notes upon the *Catilinarian* Orations, agrees with *Muretus* in supposing it to be a Gladiatorian Term to express the Flourishes which the Combatants made with their Swords over their vanquished Foes, and that it is extremely well adapted here by *Cicero*. But he afterwards is inclined to believe that the Whole ought to be read, *Sperasset se rempublicam* ELIDERE *in illis suis* CONCITATIS *furoribus*. What inclines him to be of this Opinion, both with regard to this Passage, and that in the Beginning of the first *Catilinarian* Oration, where he reads *Quamdiu etiam furor iste tuus nos* ELIDET, is because *Cicero* could not, says he, with any Propriety, say that *Catiline* was braving then the Commonwealth as a Gladiator does a vanquished Foe, since his Practices were actually then disconcerted and discovered. But it is surprizing the President should be under this Mistake. For *Cicero*, in all the Sentences that immediately follow, inveighs against him for his Impudence, in behaving as if (notwithstanding he knew he was discovered in his Treasons) he had his Sword at the Throat of his Country: And this Expression, in a few Lines after, well explaining this, *Notat*, says he, *et designat ad cædem unumquemque nostrum*. I shall not therefore pretend to make any Alteration in the reading here, especially as the Gladiatorian Term so very well agrees with the Character of *Clodius*, and as I do not apprehend the Metaphor of *Elidere rempublicam* to be quite easy or natural.

Town, which makes no Secret of the Laws (if they deſerve that Name rather than that of the Torches and Plagues of the City) with which he deſigned to brand and to fetter us all? * *Sextus Clodius*, produce, produce, produce, I ſay, that Regiſter of your Laws, which they ſay you ſnatched like another † *Palladium* from his Houſe, amidſt the Terror of Arms and nocturnal Riot, that you may transfer that illuſtrious Legacy, that Syſtem of Government to ſome future Tribune, if you can meet with any ſuch, whoſe Conduct ſhall be directed by your Will. Now he ſurveys me with that Look, that Inſolence of Look, with which to every Citizen he uſed to threaten every Inſult: ‡ I am indeed ſtruck with that Light which breaks from our Courts of Law. But can you imagine, *Sextus*, that I am incenſed againſt you? You, who inflicted a more cruel Puniſh-

* This *Sextus Clodius* was a Kinſman of *Clodius*, and is by *Cicero* often called his *Amanuenſis*. *Aſconius* ſays, that he brought the Body of *Clodius* into the Senate-houſe.

† The *Palladium* was a wooden Image of *Pallas*, which the *Trojans* imagined had fallen from Heaven into an uncovered Temple: Upon conſulting the Oracle, they were told that *Troy* ſhould be ſafe ſo long as it remained there. Some think that *Diomedes*, others that *Ulyſſes* carried it off; however the Matter be, certain it is, that it was lodged in the Temple of *Veſta*, and reſcued from the Flames of that Edifice, by *Metellus* the High Prieſt.

‡ There is a very delicate Irony here, *Movit me quidem lumen curiæ*, which may be tranſlated as I have, and is at the ſame Time a humorous Taunt upon *Sextus Clodius*, a buſy pragmatical ignorant Demagogue, whom in Raillery he terms the Light of the Courts of Law.

Puniſhment upon the Man I moſt hated, than my Humanity ſuffered me to require? You threw the bloody Coarſe of *Publius Clodius* out of his Houſe, you threw it into the public Streets; you by Night abandoned it, ſtripped of its Images, * Pageantry, Pomp and Praiſe, half conſumed with † unhallowed Wood, as a Prey to prowling Dogs. All this, ‡ though you did it to a lawleſs Wretch, yet can I not commend it; but, as my Enemy was the Object of your Cruelty, ſurely I have no Reaſon to be offended.

You ſaw, my Lords, that the Prætorſhip of *Clodius*

* *Pliny* tells us, that the Halls of the great Men, amongſt the *Romans*, were adorned with the Images of their deceaſed Friends, done in Wax; and that, when any of the Family was to be buried, theſe Images were to be carried along in Proceſſion with the Corps.

When any one of a noble and illuſtrious Family died, one of the Friends was pitched upon to praiſe the deceaſed Perſon: Hence Funeral Orations drew their Origin.

† *Pedianus* ſays, that, when *Sextus Clodius* was Commander, the People brought the Body of *Publius Clodius* into the Senate-houſe, and burnt it with the Deſks, the Judgment-ſeats, the Tables, and the Books; by which Fire the Senate-houſe was ſet on Fire, and the *Porcia Baſilica*, which was contiguous to it, was burnt down. But at the Funeral of great Men Amomum and Balſam were uſed.

‡ There is a double Reading here, which has occaſioned a great deal of ridiculous Altercation amongſt the Commentators. One Set reads *Etſi nefarie feciſti*; the other, *Etſi neceſſario feciſti*, but neither of them with much Conſiſtence of Senſe; I ſhould be willing to venture the Alteration of three Letters, and read, *Quam rem etſi* NEFARIO *feciſti*. This Alteration renders the Sentence and the Senſe compleat; nor is it at all violent, when we conſider the frequent Miſtakes which happen through the Contraction or Omiſſion of Tranſcribers in the laſt Letters of Words.

Clodius could neither have begun nor ended, without putting the Public under the ſtrongeſt Apprehenſions of a fatal Revolution, unleſs the Man, who had both the Courage and Ability to controul him, ſhould be Conſul. As the whole *Roman* People threw their Eyes upon *Milo* for this Purpoſe, what Citizen could have heſitated a Moment to have beſtowed his Vote in delivering himſelf from Dread, and his Country from Danger? But, now that *Clodius* is removed, it requires extraordinary Efforts in *Milo* to ſupport his Election. The Glory which was peculiar to him, and which daily encreaſed by his ſtemming the *Clodian* Fury, is now vaniſhed by the Death of *Clodius*. You, my Lords, need now fear no Citizen: but *Milo* has loſt the Object that exerciſed his Courage, the Intereſt that ſupported his Election, and the Fountain that ſupplied his Glory. The Election of *Milo* to the Conſulate, which in the Life-time of *Clodius* could not be defeated, now that he is dead, begins to be diſputed. Thus the Death of *Clodius* not only is of no Advantage to, but has weakened the Intereſt of *Milo*.

But it may be ſaid that Hatred prevailed, Anger prompted, and Reſentment puſhed him on, he avenged his own Wrongs, he redreſſed his own Grievances. No, my Lords, I will prove that theſe were Motives, I will not ſay

more

more prevalent in *Clodius* than in *Milo*, but exiſting with the one in the higheſt Degree, with the other in none; and what require you more? For why ſhould *Milo* bear to *Clodius*, that Source, that Ripener of his Glory, any other Reſentment than what every Patriot ought to bear to every Ruffian? But the Enmity of *Clodius* was grounded firſt on *Milo*, being the Reſtorer and Protector of my Liberty and Life; then upon his oppoſing and controuling his Violence and Fury; and laſtly, upon his commencing his Accuſer: For *Clodius*, as long as he lived, was liable to be convicted by *Milo* upon the * *Plotian* Law. Can you, my Lords, imagine that all this could go eaſily down with the overbearing Spirit of *Clodius*? How deep, and in an unjuſt Perſon even how juſtifiable, muſt have been his Hatred?

It now remains that *Clodius* ſhould be vindicated by Arguments drawn from his Manners and Character, and that theſe muſt convict *Milo*. It muſt be proved that *Clodius* was all Gentleneſs, and *Milo* all Violence! How ſo, my Lords? When I bad my † melancholy Adieu to

* The *Plotian* Law was a Law enacted by *Marcus Plotius Sylvanus*, the Tribune of the People, enjoining a Court to ſit upon thoſe who committed public Outrages by the Aſſiſtance of armed Men.

† When *Cicero* loſt the Plea in Agitation between him and *Clodius*, he cloathed himſelf in a mean Garb, and made his Addreſs

to you and this City, did I decline ſtanding my Trial, or did I not retire from the Slaves, the Arms, and the Outrages of *Clodius?* Then where was the Juſtice in reſtoring me to Liberty, if he could be juſtified in driving me into Exile? He had ſummoned me, I know he had, to take my Trial; he had amerced me in a Fine, and impeached me of Treaſon. Had I Reaſon to dread the Event of a Trial in a Cauſe which, as it related to you, was infamous, and, as it concerned me, inglorious? Was this the Caſe? No, but I was unwilling to expoſe my Countrymen, whoſe Liberties my Counſels had preſerved, and whoſe Lives my Dangers had ſaved, to the Swords of needy Slaves and profligate Citizens.

I SAW, my Lords, I ſaw * *Quintus Hortenſius*, the preſent Light and Ornament of the Re-

dreſs to the People: *Clodius*, to prevent his Applications of this Kind, followed him through all the Streets, attended with a Crowd of foul-mouthed Fellows, who not only inſolently upbraided *Cicero* with his having changed his Dreſs, but likewiſe threw Stones at him, and beſpattered him with Dirt.

Many of *Cicero*'s Friends adviſed him, before he went into Baniſhment, to try his Fate in Arms againſt *Clodius*; but, having the Welfare and Happineſs of his Fellow-Citizens much at Heart, he glorioufly reſolved rather to baniſh himſelf than expoſe them to Danger.

* When *Cicero* had the Sentence paſſed upon him by *Clodius*, the Senate and People of *Rome* inclined to order him to wear a mean and plain Dreſs; but the Conſuls *Piſo* and *Gabinius* vigorouſly oppoſed this Motion. *Clodius* ſtrutted about the Senate-houſe, attended by his Guards, and dreſſed in his military Robes; ſome

Republic, almoſt aſſaſſinated by Slaves while he aſſiſted me; and in the ſame Tumult, the excellent *Marcus Vibienus* a Senator, who was in his Company, was mortally wounded. When did the Dagger bequeathed to *Clodius* by * *Catiline* afterwards reſt in its Sheath? He aimed it at me; but I was unwilling that you, my Lords, ſhould intercept the Stroke. It threatened the Life of † *Pompey*, and ſtained the *Appian* Way, that Monument of the *Clodian* Family, with the Blood of *Papyrius*. The ſame, the very ſame Dagger, you know it, was, after long Intermiſſion, again lifted to my Breaſt, and lately had almoſt put an End to my Days at the ‡ *Palatium*.

Is there any Parallel to this in the Character of *Milo*? Of *Milo*, my Lords, whoſe Power was never forceably exerted but in preventing *Clodius*, when he could not be brought to the *Juſtice*, from violating the Peace of his Country,

ſome Senators ſallied forth from the Houſe, and, tearing their Cloaths, a Kind of Tumult enſued, in which *Hortenſius* was wounded by the Soldiers.

* *Clodius* was firmly attached to the Intereſts of *Catiline*.

† *Clodius* had appointed a Cut-throat to lie in Ambuſcade for the Life of *Pompey*.

‡ *Via Sæva* was a Street in *Rome*, ſo called from the Sacrifices in it, offered up by *Tullus* and *Romulus*. It began where the Church of St. *Clement* and the Amphitheatre of *Veſpatian* now ſtand; and, going to the Foot of the *Palatine* Mount, it ended near the Capitol, or at that Place which has ſince been called the Arch of *Septimius Severus*. It was the moſt noted Street in all *Rome*; in it ſtood the *Regia*, or King's Houſe.

try. Had his Intention been to kill him what full, what frequent, what glorious Opportunities had he? Muſt he not have been juſtified by every Law of Self-defence, had the Ruffian fallen in the Attack he made upon his Houſe and Houſhold Gods? Was not the Life of *Clodius* at the Mercy of *Milo*, when his Colleague * *Publius Sextus*, a Citizen of diſtinguiſhed Merit and Courage, was wounded? And again, when the excellent † *Quintus Fabricius* was abuſed, and when the *Forum* was polluted with the Blood of innocent *Romans*, upon his propoſing the Law which reverſed my Baniſhment? Again, when the Houſe of *Lucius Cæcilius*, that brave, that equitable Prætor, was aſſaulted? Again, when the Law in my Favour paſſed? When the chearful Voice of the aſſembled People of all *Italy*, arouſed by a Concern for my Safety, chearfully decreed to *Milo* the Merit of my Deliverance; and, had he then ſtruck the Blow, *Rome* herſelf would have been proud to have ſhared in the Glory.

At that Time the noble and brave ‡ *Publius Lentulus*, the Enemy of *Clodius*, the Avenger

* *Sextus* was a Tribune of the People; and the Favourers of *Clodius*, having aſſembled, made an Attack upon him, becauſe he had given his Vote for *Cicero*'s Return.

† *Quintus Fabricius* was alſo a Tribune of the People along with *Sextus*, and treated by the *Clodians* in the ſame Manner, for attempting to get a Law paſſed for *Cicero*'s Return.

‡ *Publius Lentulus Spinther*, who was a great Friend to *Cicero*, called him Home under his Conſulate.

ger of his Crimes, the Protector of the Senate, the Aſſertor of your Authority, the Patron of that public Meeting, and the Reſtorer of my Safety, was Conſul: Seven Prætors, eight Tribunes of the People, oppoſed *Clodius* and favoured me. * *Pompey* too, the Propoſer and Patron of my Return, whom all the Senate ſeconded in that important, that illuſtrious Decree which reverſed my Baniſhment, was his Enemy. *Pompey*, who encouraged the *Roman* People; and who, upon the Decree paſt in my Favour at † *Capua*, gave out the Watchword that united all *Italy*, then imploring the Sanction of his Authority, in a general Demand to have my Sentence reverſed. In ſhort, ſo ſtrong were the Affections of the Public towards me, and ſo invincible their hatred to *Clodius*, that, had he then been killed, their Cares had not, as now

* *Pompey*, *Marcus Craſſus*, and *Julius Cæſar*, all envied the ſuperior Glory *Cicero* had acquired, by putting an End to the Conſpiracy of *Catiline*; for which Reaſon *Pompey* ſuffered him to be baniſhed by *Clodius*, when he might eaſily have prevented it. But when *Pompey* underſtood that the Senators and all the *Roman* Knight were angry with him for neglecting to ſuccour a Man, to whom both they and he had been ſo much obliged; and when he ſaw that the ſame Danger threatened him from *Clodius*, he made a Motion to the Senate to recall *Cicero*, (tho' the *Clodian* Law had expreſly forbidden any Prætor, Tribune, or any Perſon whatever to do ſo) and made Mention of his Character with the greateſt Reverence and Honour.

† The Inhabitants of *Capua* made a Decree for the Recalling of *Cicero*; upon which Ambaſſadors came from all the Quarters of *Italy* to *Pompey*, whom he ordered to repair to *Rome* and beg that Favour of the Senate.

now, been employed how to acquit, but how to reward, the Man by whoſe Hand he fell.

YET *Milo*, ever moderate, twice employed the *legal*, but never once the *violent* Means of Redreſs againſt *Clodius*. But what do I talk? When **Milo* was liable in a private Capacity to the Juſtice of the People, when *Clodius* was his Proſecutor, when *Pompey* was aſſaulted while ſpeaking in Defence of *Milo*, how eaſy, nay, how juſtifiable had it then been to have killed him? Even lately, when † *Mark Anthony* had inſpired every good Man with the Hopes of ſeeing better Days; when that noble Youth had bravely undertaken the weightieſt Concern of his Country, and held at Bay that Savage who had ſlipped his Neck out of the Toils of Juſtice: Immortal Gods! how favourable was then the Juncture, and how convenient the Spot for diſpatching him? How eaſy had it been for *Milo*, when

* When *Pompey* began to ſpeak in Favour of *Milo*, the Abettors of *Clodius* raiſed a terrible Clamour, which laſted all the Time he was ſpeaking: Not content with drowning his Voice, by the Loudneſs of their Cries, they went further and loaded him with Reproaches and the moſt abuſive Language. This neither frightened the brave *Pompey*, nor made him give over ſpeaking; for he ſpoke in *Milo*'s Favour for ſix Hours without Intermiſſion.

† *Marcus Antonius* purſued *Clodius* with a Deſign to kill him, which he had in reality done, had not *Clodius* taken Shelter in a Bookſeller's Shop, and by ſhutting the Door after him prevented his Deſign. This was the ſame *Antonius* who afterwards waged a Civil War with *Auguſtus*. He was at firſt a great Friend to *Cicero*, but afterward became his mortal Enemy, and at laſt proved the Author of his Death.

when *Clodius* ſheltered his guilty Head beneath a dark Stair-caſe, to have diſpatched that Curſe of his Country, and thereby have at once conſulted his own Safety, and compleated *Antony*'s Glory?

How frequent were his Opportunies, while the *Comitia* were held in the open Field? When *Clodius* had forcibly broke in upon the Paliſades, and employed every Outrage of Swords and Stones; and then, daunted with the Look of *Milo*, fled towards the River; how earneſt were your, and every good Man's Wiſhes, that *Milo* had then made the proper Uſe of his Courage?

SHALL *Milo* then be ſuppoſed to incur the Reſentment of ſome, yet deaf to the Applauſe of all? Was he afraid to venture when he might have ventured ſecurely, when the Laws, the Place, and the Time, were on his Side, and yet boldly ſtrike when the Raſhneſs of the Deed, unfavourable Circumſtances, and an untoward Juncture endangered his Life? Eſpecially, my Lords, as his Struggle for the higheſt Honour his Country can beſtow, and the Day of his Election was at hand; a Day (for I have experienced the Fears, the Anxieties, and the Cares, inſeparable from *Ambition*, and a Deſire of the Conſulate) when we dread every thing, when we dread not only the Effect of *public* Reproach,

but

but the Refult of *private* Sufpicion; when we tremble at Rumour, however falfe, however invented, however idle the Story; when we explore the Looks and Features of every Man we meet: For nothing, my Lords, is fo delicate, nothing fo tender, nothing fo frail, and nothing fo flexible, as the Opinion and Sentiments of our Fellow-Citizens on fuch Occafions; who not only refent the *difhonourable* Conduct of a * Candidate, but often loath him when purfuing the moft *public-fpirited* † Meafures.

SHALL *Milo* then, on the Day of Election, a Day which he wifhed, which he fighed to fee, be fuppofed to approach that auguft Affembly with his Hands imbrued in Blood, betraying and confeffing his Guilt? How ‡ unlike is this to the

* Thofe who fought the Magiftracy in *Rome*, were dreffed in white Robes, in order to diftinguifh them from other People; hence they were ftiled Candidates, from a *Latin* Word fignifying white.

† This is a very juft and a favourite Obfervation with our Author. He had often obferved that the daily Meannefs of Sollicitation, to which a Candidate was fubject, took away that Dignity from their Perfons and Characters, which a lefs frequent Appearance in Public might have preferved. He touches ftrongly upon this in his Oration for *Muræna*, which the Reader may fee. The Word *Faftidire* properly expreffes that Contempt which a Woman feels for a Lover who is always whining at her Feet:

Superba pati faftidia. Virg. Ecl. ii.

Hence *Plutarch* finely remarks, that a Candidate for public Offices ought to court the Public as he would do a Miftrefs, with whom Abfence fometimes heightens Paffion, and a conftant obfequious Attendance gives Contempt.

‡ Becaufe *Milo* was a very religious Perfon, and the Ceremony of Election was proceeded upon after Sacred Rites.

the Man! Yet how natural was it for *Clodius* to imagine that, were *Milo* murdered, he * would reign as abſolute as a King? For who, my Lords, is ignorant, that the Source of *Injury*, the Incentive to *Guilt*, is the Hope of *Impunity*? Where might theſe Hopes then be preſumed to lie? In *Milo*, who is now before you, arraigned for doing a meritorious, or, at leaſt, an unavoidable Piece of Juſtice; or in *Clodius*, who had ſo thorough a Contempt both of † Trials and Penalties, that he delighted in nothing that was not repugnant to Humanity, and inconſiſtent with Law?

BUT why ſhould I argue, why diſpute any longer! I call upon you, *Quintus Petilius*, who are a brave and an honourable Man; I appeal to you, *Marcus Cato*, whom a certain divine Award has placed on that Tribunal. You were informed by *Favonius*, that *Clodius* had told him, you heard, even in the Life-time of *Clodius*, that he had threatened, *Milo* ſhould be dead

* *Orig. Regnaturum.* Every body knows how invidious to the *Romans* every thing was which hinted at the Reſtoration of Monarchical Government.

† When *Clodius* was accuſed of Sacrilege, for having ſtolen, by the Help of Women's Apparel, into the Apartment where the Sacrifices of *Dianæ* were performing, he bribed the Judges; and *Milo* inſiſting upon his ſtanding a Trial, he refuſed to ſubmit to the Authority of the Court.

The *Roman* Laws expreſly diſcharged any Man from being preſent at theſe Sacrifices, which the *Roman* Matrons performed in Honour of *Diana*.

dead in three Days. On the fourth Day he attempted what he had before threatened, and, as he made no Scruple to difclofe what he defigned, fhall you be at a Lofs to guefs at what he acted?

But how could *Clodius* be certain of his Day? That I have already accounted for. It was an eafy Matter to learn that Day fet apart for the Sacrifices of the Dictator of *Lanuvium*. He faw that *Milo* was indifpenfably obliged to fet out for *Lanuvium* on that Day. He therefore was on the Road before-hand. But, on what Day? On that Day, as I obferved before, when a diftracted mad Affembly was fpirited up by the Arts of his own Creature, a corrupted Tribune. A *Day*, an *Affembly*, and a *Tumult*, that he would have *enjoyed*, had he not been eager to execute the meditated Murder. Therefore he could have even a Reafon for going, though he had none for ftaying: *Milo*, fo far from having it in his Power to ftay, was obliged to go, not by *Duty* only, but *Neceffity*. It appears therefore, *Clodius* was fure that *Milo* muft that Day be on the Road; but, it may be afked, had *Milo* no Reafon to know he muft meet with *Clodius*?

Give me Leave firft to afk, my Lords, how he could come by this Knowledge? A Queftion you cannot put with Regard to *Clodius*: For,

For, had he aſked no other than his Intimate *Titus Patinus*, he might have learned that *Milo* was under a Neceſſity, as a Dictator of * *Lanuvium*, to create a *Flamen* there that very Day; and a great many others, every Man of *Lanuvium*, could have readily informed him of this Fact. But how was *Milo* to learn when *Clodius* returned? Admit that he enquired, ſee what a large Conceſſion I make; I admit, with my Friend † *Arrius*, that he had corrupted a Slave. But read the Evidence that is before you; *Caius Caſſinius*, ſurnamed *Scola*, an *Interamnian*, an intimate Companion of *Publius Clodius*, and who formerly ſwore that *Clodius* at the ſame Hour was at ‡ *Interamna* and *Rome*, tells you that *Publius Clodius* was to have paſſed that Day at his Seat near § *Alba*, but that he received the ſudden News that *Cyrus*, the Architect, was dead, upon which he immediately reſolved to ſet out for *Rome*. *Caius Clodius*, another Companion of *Publius Clodius*, concurs in the ſame Facts. Obſerve, my Lords, how many Points are given up by this Evidence. In the firſt Place, *Milo* is plainly acquitted of any Deſign he

* *Titus Patinas* reſided in *Lanuvium*, and was an intimate Acquaintance of *Clodius*: From him *Clodius* might learn that *Milo* was to come to *Lanuvium*.

† *Arrius* was an intimate Friend of *Cicero*'s, whoſe ſplendid Entertainments he mentions in his Oration againſt *Vatinius*.

‡ *Interamna* was a City of *Umbria*, and was ſo called, becauſe it ſtood between two Rivers: It is by the Moderns called *Terni*.

§ *Alba* was ſo called from *Aſcanius* having found a white Sow, when he was building it.

he could have of intercepting *Clodius* upon the Road, as it was impoſſible he could expect to meet him. In the next Place (for I ſee no Reaſon why in my own Perſon I ought not to make my Advantage of this Circumſtance) know, my Lords, that there were ſome that ſollicited the Law for this Proſecution, who affirmed, that, though the Murder was committed by the Hand of *Milo*, yet that the Plot was laid by a more eminent Perſon. They meant ME, and theſe abandoned Ruffians, by this Suggeſtion, repreſented me as a Robber and Murderer. Thus they who ſay that *Clodius* would not have returned to *Rome* that Day, had he not heard of the Death of * *Cyrus*, are condemned upon their own Evidence. Thus I recover my Spirits, I am acquitted; and aſſured none will ever ſuſpect my Counſels could hatch what it was impoſſible my Heart ſhould conceive.

LET me now touch upon their other Objections: For there is an obvious one, ſay they; then it follows that *Clodius*, as he was to have remained at his Seat in *Alba*, did not leave his Seat upon any murderous Intention, and could entertain no Deſign of ſurprizing *Milo*. But it is plain, that the Perſon who, as is pretended, informed

* This *Cyrus* the Architect we have no Account of in Hiſtory, but *Cicero* makes Mention of him in his Letters to his Brother *Quintus*, and to *Atticus*.

informed him of the Death of *Cyrus*, did not inform him of that, but of *Milo*'s Approach. For, what could he inform him with regard to *Cyrus*, whom *Clodius*, when he went from *Rome*, left expiring? I was present, I sealed up his * Will along with *Clodius*; for he had publicly made his Will, and had appointed *Clodius* and me his Heirs. And was he then told, at the tenth Hour of the Day after, that the Man, whom he had left in the Agonies of Death at the third Hour of the Day before, was dead? But, admitting it had been so, † why all this Hurry back to *Rome*? Why travel in the Night-time? What occasioned all this Haste? Was it, because he was the Heir? In the first Place, the Legacy required no Hurry on his Part. In the next Place, if it had, could he receive it only that Night, and must he have lost it, if he had waited till next Day? But as a Journey in the Night to Town was rather to be shunned than desired on the Part of *Clodius*, so on the Part of *Milo*, had he formed a Plot against his Enemy's Life, it is to be presumed, that, as he knew *Clodius* was to come that Night to Town, he would

* At the Drawing up of Testaments it was required, that seven Witnesses should be present; then the Heirs signed and sealed the Testament. One would be apt to think from this Passage of *Cicero*, that an Heir might likewise be a Witness in this Case.

† This is a very weak Part of our Author's Reasoning; since *Clodius*, if the Fact was really established, might have many Reasons for coming to *Rome*; nor does *Cicero* offer any Evidence that *Cyrus* was so near his Death when he left him.

would have watched his Opportunity by way-laying him.

HAD *Milo* killed *Clodius* by Night in a suspicious Place, haunted with * Robbers, every-body, had he denied the Fact, must have believed the Man in whose Preservation, even though he confesses it, all Mankind takes a Concern. Let us consider, first, this Belief must have gained Ground from the Character of the Place, which is a Haunt and Refuge of Robbers; while the silent Solitude and trusty Shades must have concealed *Milo*. Next, as many had been harrassed, stripped, and plundered by the Deceased near the same Place, and many more dreaded lest they should be treated in the same Manner, the Suspicion must have fallen upon them. In short, all † *Etruria* might have been arraigned as criminal.

BUT *Clodius*, being resolved to return that Day from ‡ *Aricia*, struck off from his Road towards that of *Alba*. Now, tho' *Milo* had been

* Upon the Way of *Appius*, who was one of *Clodius*'s Ancestors, stood the Tomb of one *Basilius*, a very rich Man; and this Place had become famous for the many Murders committed at it.

† *Clodius* had often appeared in Arms, to banish the *Etrurians* from their Possessions.

Etruria lies upon the *Tuscan* Sea, and reaches to the Banks of the *Tyber*.

‡ *Aricia* is a Town of *Latium*, on the *Appian* Way.

been abſolutely ſure that *Clodius* had left *Aricia*, yet he had Reaſon to ſuſpect, that, though he was to return that Day to *Rome*, he would call at his own Seat which lies upon the Road. Why then did he not either diſpatch him before he reached it, leſt he had remained there, or plant himſelf in a proper Place where he was ſure *Clodius* was to paſs in the Night-time? Thus far, my Lords, every Circumſtance concurs in proving that the Life of *Clodius* was uſeful to *Milo*; but that *Clodius* could reach the darling Object of his Ambition only by the Death of *Milo*: That the one had an invincible Malice at the other; the other none at him: That the conſtant Practice of the one was to commit, and of the other to ſuppreſs, Violence: That the Life of *Milo* was publickly threatened, and his Death foretold by *Clodius*; but it appears, that *Milo* uſed no ſuch Threatenings: That the Day, on which he was to ſet out, was known to *Clodius*; but that *Milo* was entirely ignorant of the Time when *Clodius* was to return: That *Milo*'s Journey was indiſpenſable, but that of *Clodius*, if any thing, was inconvenient: That the one had declared he was to leave *Rome* on a certain Day; but that the other had concealed his Intentions of returning on that Day: That no Accident has altered *Milo*'s Deſign; but that the other had invented Pretexts for altering his:

That, if *Milo* had intended to way-lay *Clodius*, he would have hovered about the City till it was dark; but that, though the other had no Reaſon to fear *Milo*, he ought to have dreaded a Journey towards *Rome* ſo late in the Night.

LET us now examine the principal Point, whether the Place where they encountered was moſt favourable to *Milo*, or to *Clodius*. But, my Lords, are you longer to deliberate, are you longer to doubt of that? Since it was near the Eſtate of *Clodius*, where at leaſt a thouſand able-bodied Men were employed in carrying on his extravagant Buildings. Did *Milo* think he had the Advantage, by attacking him from a riſing Ground, and therefore choſe ſuch a Ground for the Scene of Action? Or did *Clodius* wait for him upon that Ground, which he thought ſo favourable for his treacherous Attack? My Lords, the Thing ſpeaks itſelf, and that ſure is the ſtrongeſt Argument.

WERE the Thing to be expreſſed in Painting inſtead of Words, you might even then diſtinguiſh the Traitor from the undeſigning Perſon; as the one was ſitting in his Chariot, wrapped up in his Cloke, and his Wife by his Side, it is hard to ſay if the Cloke, the Chariot, or the Companion, was the greateſt Incumbrance. For what can carry leſs the Appearance

pearance of a Deſign to fight, than a Man intangled in a Cloke, ſhut up in a Chariot, and almoſt fettered by a Wife? Now, my Lords, ſurvey *Clodius*, firſt leaving his Seat in a Hurry; for what Reaſon? In the Evening; upon what Emergency? Late; to what Purpoſe, eſpecially at that Seaſon? He ſtrikes off to *Pompey*'s Country-houſe; why? That he might viſit *Pompey*? He knew he was at his Seat by *Albium* *. Was it to view his Houſe? He had been in it a thouſand Times. Then what could be his Motive for all this Sauntering and Shifting? Why; to loiter, to gain Time, that he might be ſure to be on the Spot when *Milo* came up.

Now, view the Way of Travelling of a well-appointed Robber, compared with the Incumbrances of *Milo*. *Clodius*, before that Day, always travelled with his Wife: On that Occaſion ſhe was abſent: He conſtantly rode in a Chariot; he was then on Horſeback: His *Greek* Minions ſtill attended him wherever he went, even when he poſted down to the † *Tuſcan* Camp: At that Time he had nothing trifling, nothing ſuperfluous in his Retinue. *Mi-*

 lo,

* *Albium* is a Town at the Mouth of the *Tyber*.

† Here *Cicero* mentions the Conſpiracy of *Catiline*, when the Conſpirators formed a Camp in *Tuſcany*, with a View to draw down the Odium of the Judges upon *Clodius*, who was once engaged

lo, contrary to his conſtant Practice, happened then to carry along with him a Band of Singing Boys, and a Troop of Girls, belonging to his Wife; *Clodius*, who never travelled without his Whores, his Catamites, and his Pimps, was, on that Occaſion, attended as a Man who expected to encounter with a Man. Why then, it may be ſaid, did *Clodius* fall? Becauſe, my Lords, the Traveller does not always fall by the Hand of the Robber, but ſometimes the Robber by that of the Traveller. Becauſe, tho' *Clodius* prepared attacked *Milo* unprepared, yet it was an Attack of a Woman upon Men. For *Milo* never was ſo little upon his Guard as to leave himſelf quite defenceleſs: He kept it always in View what an Intereſt *Clodius* had in his Death, how great a Hatred of his Perſon, and what a Temerity in his Nature: He likewiſe knew the large Reward his Enemy had ſet upon his Head, and the determined Reſolution with which he purſued his Life: Therefore he never expoſed his Perſon unguarded and unattended. Add to this, Accidents, the uncertain Event of the Encounter, and the common Chance of War, which often turns the Scale againſt the Victor, when ready to ſeize his Prey, and exulting with Succeſs.

engaged in it. *Aſconius* tells us, that *Clodius*, out of Fear of *Cicero*, when Conſul, inclined to join the Camp of *Catiline*, which then lay at *Fæſulæ*, in *Tuſcany*, but that, after he had ſet out, he repented, and returned to *Rome*.

Succeſs. Add, the unſkilfulneſs of a fluſhed, ſtuffed, ſtupid Leader, who, after he had ſurrounded the Perſon of his Foe, never reflected that he had ſtill to deal with his more remote Attendants; with whom encountering, while they were burning with Reſentment, and deſpairing of their Maſter's Life, he received that Chaſtiſement, which every faithful Servant will inflict on the Man whom he ſuppoſes to be his Maſter's Murderer.

BUT then, why has he ſet them at * Liberty? Becauſe he was afraid leſt they ſhould betray him, leſt they ſhould not be able to endure Pain, leſt they ſhould be tortured to confeſs, that *Clodius* was killed by the Servants of *Milo* upon the *Appian* Way? But what Occaſion for Torture? What was you to extort? If *Clodius* was killed? He was killed: But, whether lawfully or unlawfully, can that be extorted by the † Rack? The Executioner may put the Queſtion as to the Matter of Fact, but the Matter of Law belongs only to the Judge.

* The Ceremony of Manumiſſion was by the *Romans* performed in this Manner: The Maſter, holding the Servant by the Head, and ſometimes by ſome other Member of the Body, pronounced theſe Words, *I will that this Man be free*; then he let go his Hold, and the Servant was from that Time called Manumitted, or a Freed Man.

† *Equileus*, in the Original, was a Kind of racking Engine, in the Form of a Horſe; uſed by the *Romans* for extorting the Truth from their Servants, or from Malefactors.

The Queſtion, ariſing from Law, we now debate; the Queſtion, to be extorted by the Rack, we have already confeſſed. But if you rather aſk why he ſet them at Liberty, than why he did not give them extraordinary Rewards, it is a Proof that you are at a Loſs how to fix a Charge upon the Priſoner. For *Marcus Cato*, who ſits on this Bench, and who never ſpeaks but with Spirit and Reſolution, ſaid in a mutinous Aſſembly, which was quelled by *Milo*'s perſonal Authority, that Slaves who defended the Life of their Maſter, deſerved not only Liberty, but the moſt extenſive Rewards: For what Reward can be too great for a Maſter to beſtow upon thoſe Slaves, through whoſe Duty, Affection, and Courage he lives; though Life itſelf, my Lords, is but a ſecond Conſideration, when compared with that of their ſaving him from glutting the Eyes, and ſatiating the Wiſhes of his moſt mortal Enemy, with the Sight of his mangled bloody Coarſe. Yet, had he not freed them, he muſt have delivered theſe Preſervers of his Life, theſe Avengers of Villainy, theſe Defenders of innocent Blood, to the Pain and Ignominy of a * Rack. Yet, of all his Misfor-

tunes,

* According to the *Roman* Law, manumitted Servants could not be interrogated upon the Rack.—*Appius Clodius*, Son of *Caius Clodius*, Brother of *Publius Clodius*, demanded that his Uncle's Servant ſhould be interrogated in that Manner.

tunes, one is more tolerable than the reſt, which is, that, however it fares with himſelf, it has been in his Power to reward them as they have deſerved.

BUT the Confeſſions, that are now extorting in the * Porch of the Temple of Liberty, bear hard upon *Milo*. From whoſe Slaves are they extorted, let me aſk you? From thoſe of *Publius Clodius*. Who demanded them? *Appius*. Who produced them? *Appius*. From whence came they? From *Appius*. Immortals Gods! Can any Thing be more cruel? No Slave can be examined againſt his Maſter, but in † a Caſe of Inceſt, as was that of *Clodius*; who now approaches more near the Gods, than he did when he forced his Way into their moſt awful Retirements; and about whoſe Death there is the ſame Inquiſition as is due to a Violation of their ſacred

* Hard by the Temples were Halls, where the Courts often ſat, and the Senate was kept, becauſe it was reckoned unlawful for it to meet in any other than in an holy Place.
The Ancient *Romans* worſhipped *Liberty* as a Goddeſs, as *Cicero* informs us in his ſecond Book on the Nature of the Gods: To this Goddeſs *Sempronius Gracchus* (the Founder of the *Gracchian* Race) cauſed a Temple to be erected out of the Money raiſed by Fines.

† The Reaſon of this, as we learn from one of the Declamations aſcribed to *Quintilian*, was, becauſe criminal Correſpondences of this Nature are ſo cloſely carried on, that Slaves alone can know them. But the Reader is not to miſtake the Word Inceſt, as if it could be applied only to Guilt betwixt two near Blood Relations. For it is applied by Lawyers to illicit Communications, ſuch as was that of *Clodius* when he mingled with the Ladies at the *Eleuſine* Rites. The Sting of our Author's Sarcaſm, which follows, conſiſts in this.

ſacred Myſteries. But our Anceſtors ſuffered no Confeſſion to be extorted from a Slave which affects his Maſter; not becauſe they could not by that Means come to Truth, but becauſe their Maſters thought ſuch a Proceeding diſhonourable, and even worſe than Death.

When the Slaves of a Proſecutor are tortured to affect the Life of a Priſoner, is Truth to be expected? Let us now ſee the Queſtion and its Nature, that has been put by *Appius*. You * *Roſcio*, you *Caſca*, take Care you don't lye, (ſuppoſing him to ſay ſo) did *Clodius* way-lay *Milo*? He did. Then drag them to immediate Death. He did not. Then amuſe them with the Hopes of Liberty. Is not this an infallible Way to come at Truth? They are ſuddenly dragged to the Rack, but confined ſeparately, and ſhut up in Dungeons, where they were ſuffered to talk with nobody. At laſt, after they had been, for a hundred Days, in the Hands of the Proſecutor, the ſame Proſecutor produces them. Can any Thing be more fair, more impartial than ſuch an Examination?

If, my Lords, you are not yet fully convinced, notwithſtanding the many ſtrong Proofs and Arguments which have been brought, that *Milo* returned to *Rome* in all that Purity of Heart,

* *Roſcio* and *Caſca*, the Names of two Servants.

Heart, with all the Serenity of Confcience that attends the Man who is polluted with no Wickednefs, haunted by no Dread, and tortured by no Remorfe; I conjure you by the immortal Gods, to call to Mind the Quicknefs of his Return, his Manner of entering the *Forum*, while the Courts were in a Blaze; his Intrepidity, his Looks, and his Words. He furrendered himfelf, not to the People only, but to the * Senate; not only to the Senate, but to the Troops and Guards of the Public; and not to them only, but to the Authority of that † Man, whom the Senate has intrufted with the fole Management of the Commonwealth, the Government of the *Italian* Youth, and the Direction of the *Roman* Arms: One to whom he furely never had delivered himfelf, had he not trufted to his Caufe; efpecially as that great Man heard all, dreaded much, fufpected many, and believed fome. Great, my Lords, is the Power of Confcience: Great, both in the Innocent and Guilty, to quiet the Fears of the one,

* The *Roman* People fometimes paffed Sentence themfelves, as may be feen in the Cafe of *Rabirius*, found guilty of High-Treafon. The Senate judged in Cafes of a more atrocious Nature, as in the Cafe of thofe who followed *Catiline*. And, *laftly*, the Confuls were vefted with an executive Power, when, by a Decree of the Senate, they were commanded, by an Order of the Senate, to take Care that the Republic fhould fuffer no Injury.

† *Cicero* here means *Pompey*, to whom the Senate gave an unlimited Commiffion to fee that the Republic fhould receive no Damage, either from the Power of *Milo*, or from the Factions of the *Clodian* Party.

one, and to paint the Puniſhment of the other always preſent to his Eyes. Nor was it without good Grounds that *Milo's* Cauſe was ever favoured by the Senate. For their diſcerning Wiſdom perceived the Reaſon of the Action, the Tranquility of his Soul, and the Conſiſtency of his Defence. Sure, my Lords, you have not forgot, when the News of the Death of *Clodius* arrived, what the Talk and Sentiments were, not only of *Milo's* Enemies, but of ſome indifferent, though weak People, who affirmed that *Milo* would never return to *Rome*.

Some perhaps imagined that, prompted by a ſudden Start of Paſſion to kill the Enemy he hated, he thought the Death of *Clodius* of ſo much Conſequence, that he could unconcernedly go into Exile, ſince he had glutted his Revenge in the Blood of his Foe. Others conjectured, as he had delivered his Country by killing *Clodius*, that the ſame brave Man, who had purchaſed Safety to *Rome* by his own Danger, would chearfully ſubmit to the Laws, carry off with him the unfading Glory of the Action, and leave us to enjoy thoſe Liberties he had preſerved. Many talked, calling him a *Catiline*, and talked of his monſtrous Wickedneſs; he will break out, ſaid they, he will ſeize ſome Place of Strength, he will turn Rebel. Unhappy often is the Fate of thoſe who deſerve beſt

beſt of their Country! Their moſt glorious Actions are forgotten, or elſe ſuſpected as unwarrantable. Theſe Suggeſtions were all falſe, yet ſurely they muſt have been true, had *Milo* committed aught that he could not juſtify. How many Calumnies were afterwards heaped upon him? Such, my Lords, as, had he been conſcious but of the moſt trifling Offence, muſt have daunted him. Yet how did he bear them? Immortal Gods! He bore them: nay, he ſlighted, he deſpiſed them. A Character not to be ſuſtained by the greateſt Courage without the pureſt Innocence, nor by the pureſt Innocence without the greateſt Courage. It was whiſpered about, that a great Number of Shields, of Swords, of Bridles, of Javelins, and * Darts might be ſeized: That there was not a Street nor an † Alley in Town in which *Milo* had not hired a Store-houſe. That Arms were brought to his Seat at *Ortricula* down the *Tyber*. That his Houſe on the Hill of the Capitol

* The *Darts*, or *Pila* of the *Romans*, were only uſed by the Infantry. There were two Sorts of them; the one was ſeven Feet and an Half long, and the Iron of it weighed nine Ounces; the other was only three Feet and an Half long, and its Weight proportionable.

† There were in the City of *Rome*, according to *Varro*, three Kinds of Streets: 1*ſt*, The *Vici*: 2*dly*, The *Fundulæ*: And, 3*dly*, The *Angiportæ*. The *Vici* were the chief Streets, open at both Ends: The *Fundulæ* were like our Courts, and had no Thoroughfare: The *Angiportæ* were Lanes, ſo narrow, that they only admitted People to walk in them: Waggons and Carriages of all Kinds being too large to enter them.

Capitol was quite crammed with Shields; and every other Place was full of * Hand-granades, for ſetting Fire to the City. Theſe Things were not only rumoured, but almoſt believed; nor were they known to be falſe till they were enquired into.

I COMMENDED indeed the incredible Application of *Pompey*; but let me freely ſpeak as I think. They, my Lords, on whom the whole Cares of a State are devolved, are neceſſarily obliged to hear a great deal too much: Even a deſpicable Fellow of a † Butcher, *Licinius* I think they call him, muſt be heard: He informed that the Slaves of *Milo* had got themſelves drunk at his Houſe; that they confeſſed they had entered into a Conſpiracy to kill *Pompey*; and that afterwards one of them had ſtabbed him, leſt he ſhould make the Diſcovery. All this he told to *Pompey* at his Gardens. I was inſtantly ſent for; and by the Advice of his Friends the Affair was laid before the Senate. I own, my Lords, I could not help

* This is the literal Meaning. In the Original *Malleoli*, according to *Nonius*, were ſmall Bundles of Broom, covered over with Pitch; which, being kindled, were thrown on the Walls or the Roofs of the Houſes.

† *Popa* was a Prieſt, or Butcher, who ſlew the Sacrifices, and offered them up when ſlain. His Duty likewiſe was to purify Houſes in which any Perſons had died: For the *Romans* believed that by the Death of one the whole Family was polluted.

help almoſt dying on the Danger which had impended over the Guardian of me and my Country: I could not help, however, being ſurprized that ſuch a Fellow ſhould be credited; that the Confeſſions of Slaves ſhould be read; and that a Wound in the Side, which ſeemed no bigger than the Prick of a Needle, ſhould paſs for the Stroke of a Gladiator.

BUT, as I underſtand, *Pompey* was rather cautious than fearful, and was jealous, not only where there was real Danger, but even an Appearance of it, that he might place you above all Dread. There was for ſeveral Hours together a Report, that the Houſe of *Caius Cæſar*, a Man of the greateſt Quality and Courage, had been aſſaulted in the Night-time. Nobody had perceived any ſuch Thing happen in that frequented Place; yet ſtill the Report prevailed. I could not ſuſpect *Pompey* of Cowardice, who is a Citizen of the moſt conſummate Virtues; nor did I think that any Enquiry, when undertaken for the common Safety, could be too ſtrict. In a full Senate aſſembled at the Capitol, a Member affirmed that *Milo* wore a concealed Sword. He ſtripped himſelf within that awful Temple, becauſe his Conduct, both as a Man and a *Roman*, could not obtain Belief; that, while he was dumb, his Innocence might plead for itſelf. And then every Thing was found to be falſe and malicious. BUT,

But, if *Milo* is ſtill dreaded, it is no longer the *Clodian* Charge we fear; but we tremble, *Pompey* (I call you aloud by your Name, that you may hear me) for your, for your, I ſay, we tremble for your Suſpicions. If you are afraid of *Milo*, if you imagine that at this Inſtant he meditates, or ever before conſpired againſt your Life; if the Forces of *Italy*, as ſome in your Commiſſion give you, if the Arms of *Rome*, if the* Troops of the Capitol, if theſe Centries, and that Guard, if the Flower of our Youth, who attend your Perſon, and watch your Houſe, is armed againſt the Fury of *Milo*, if all theſe Precautions are taken, prepared, and pointed againſt him; great ſurely muſt be his Strength, and incredible his Boldneſs, far excelling the Forces and Power of a ſingle Man; ſince, againſt him alone, our braveſt General is to act, and the Arms of the whole Republic are directed. But who is ſo ignorant as not to know, that theſe Troops are to reſtore and prop every feeble, every drooping Part of the Empire, which are now all put into your Hands? Had *Milo* had an Opportunity, he could have proved to yourſelf that no Man ever was more dear to another than you are to him; that he never declined Danger to aſſert your Dignity, that, to vindicate

* Cohorts were placed in the Capitol for the Safety and Defence of the Town, when there was a Proſpect of Sedition.

vindicate your Glory, he often encountered the Ruffian *Clodius*; that your Counſels determined him as Tribune in every Step he took for my Preſervation, which then was dear to you; that you afterwards protected him when his Life was endangered; aſſiſted him in his Sollicitations for the Prætorſhip, and that he ſtill relied on two unalterable Friends; on You, for the Favours he had received; on Me, for Obligations he had conferred. If he had failed in the Proof of all this; if your Jealouſy had been invincible; if the Levies of *Italy*, and the Troubles of *Rome*, were not to ceaſe but in the Ruin of *Milo*, ſuch is his Nature, and ſuch are his Principles, that he would have departed a willing and ready Exile. Yet, illuſtrious *Pompey*, in that dreadful Hour, as in this, to you he would have made his Appeal.

How fleeting, how inconſtant is Life! How flattering, how unſtable Fortune! How treacherous, and how temporiſing are Friends! How ready to abandon us! How apt to tremble in the Hour of Danger, are our neareſt Relations! The Time, the Time will come, the Day will dawn, when you, though, I hope, not endangered, yet perhaps ſhaken, by the public Convulſions (which, as they are now frequent, ought never to ſurprize us) when you, I ſay, ſhall ſtand in need of the Affection of the

beſt Friend, the Integrity of the wiſeſt Patriot, and the Courage of the braveſt Man that *Rome* or the World beholds.

YET who can believe that *Pompey*, ſo well ſkilled in the Laws of *Rome*, in the Practice of our Anceſtors, and in the Conſtitution of his Country, when the Senate had given in Charge that THE REPUBLIC SHOULD RECEIVE NO INJURY (a Sentence that always of itſelf armed the Conſuls, though even no Arms were put into their Hands) that this *Pompey*, I ſay, ſhould wait with an Army, with a numerous Levy, the Event of this Trial, and defend, in the Courſe of Law, the Conduct of that Man whoſe Proceedings tended to aboliſh Law itſelf. It was ſufficient that *Pompey* judged all theſe Charges againſt *Milo* to be groundleſs, ſince he enacted a Law, by which I apprehend that *Milo* ought, and all the World is perſuaded that he may be acquitted.

POMPEY ſitting in that Place, ſurrounded with the public Guards, is a ſufficient Declaration that he has no Intention to overawe, but to protect this Court; for nothing could be more mean than for him to force *you* to condemn the Man, whom from numerous Precedents, and by his own Authority, *he* had a Right to puniſh: All he means, is to let you underſtand that

that you are now at full Liberty to paſs what Cenſure you pleaſe upon Yeſterday's riotous Aſſembly.

BUT, my Lords, the *Clodian* Charge gives me no Concern; I am neither ſo ſtupid, ſo ignorant, or ſo unexperienced, as not to know your Sentiments upon the Death of *Clodius*. Even though I had not waſhed away the Blood of *Clodius*, as I have done, yet *Milo* ſecurely, and with a glorious Falſhood, might have publickly arrogated the Merit of the Action. I have ſlain, might he have ſaid, I have ſlain, not a *Spurius Melius*, who, in a Time of Scarcity, lowered the Price of Corn, though to the Ruin of his own Eſtate, and who was ſuſpected of having an Eye to Royalty, becauſe of his affecting too great Popularity; not a * *Tiberius Gracchus*, who ſeditiouſly annulled the Authority of his Colleague; yet their Deſtroyers have filled the World with the Glory of their Exploits: But (for the Man who ſaved his Country, at the Hazard of his own Life, had a Right to uſe ſuch Language) I have ſlain a Man, whoſe infamous Adulteries, our nobleſt Ma-

 trons

* *Tiberius Gracchus* deprived *Octavius*, his Colleague, of the Magiſtracy, for oppoſing him when he moved that the *Agrarian* Law ſhould be paſſed. When none of the Conſuls nor Tribunes withſtood this Motion, *Scipio Naſica*, who was deemed the graveſt of them all, ruſhed into the Aſſembly, and ſlew *Tiberius Gracchus*.

trons detected even in the most awful * Recesses of immortal Beings, whose Punishment the Senate often decreed ought to expiate the Violation of sacred Rights: The Man whose Incest with his own Sister, † *Lucullus* swore he had discovered by Torture: The Man who drove, by means of Slaves, from his Country, a Citizen, whom the Voice of the Senate, of the People, and of all Nations adjudged to be the Preserver of *Rome*, and of *Romans*: The Man who gave and resumed ‡ Kingdoms, and parcelled out the World to what Men, and in what Manner he pleased: The Man, who, after committing many Murders in the *Forum*, obliged, by his Ruffian Violence, a Citizen of the highest Virtue and the highest Rank, to shelter himself within the Walls of his own House: The Man whose Lust knew no Check, and whose Guilt

no

* In the most retired and sacred Places of the Temples were Pallets, or little Beds, for the Images of the Gods to rest upon.

† *Lucullus*, being summoned as an Evidence with Regard to the Life of *Clodius*, said, that he had extorted a Confession from his Maid servants, that *Clodius* had committed Incest with his Sister, to one of whom *Lucullus* himself was married.

‡ *Clodius* enacted a Law, that the Isle of *Cyprus* should be reduced into the Form of a Province, and that *Ptolemy*, King of *Cyprus*; cloathed in his purple Robes, his Sceptre in his Hand, and decked with all the other Ensigns of Royalty, should be exposed to public View, and his Effects confiscated: And likewise, that *Marcus Cato*, vested with the Power of a Prætor, should be sent, and a Quæstor along with him, to the Isle of *Cyprus*, in order to dispose of the King's Effects, and bring the Money arising from them Home with him.

no Bounds: The Man who ſet on Fire the Temple of the * Nymphs, that he might deſtroy the public Regiſter, which contained the † Cenſure of his Crimes: The Man, in ſhort, who diſdained the Laws of *Rome*, the Law of Nations, and the Diſtinctions of Right and Wrong; who ſcorned to ſeize the Property of another by the Quibbles of a Court, by ſuborned Evidence, or falſe Oaths; but invaded it with Troops, Incampments, and regular Forces: Who, by his Incampments and Troops, endeavoured to diſpoſſeſs, not only the *Tuſcans*, (for them he ſtill held in utter Contempt) but *Varius*, that brave honeſt Man, and one of our Judges, of all his Eſtate: The Man who, with his Architects and Poles, ſurveyed the Seats and Gardens of a great many Citizens, and who graſped in his own Imagination all that lies between

* A Temple was erected at *Rome* to the Nymphs preſiding over Fountains, that ſo they might prove propitious in preventing Burnings; which Temple was ſet on Fire by *Clodius*.

† The Cenſors uſed every five Years to take an Account of the ſeveral Tribes, and to make up a Regiſter, in which the Crimes of all the Citizens were marked: And, as *Clodius* knew that his enormous Crimes were recorded in the public Acts, he burnt the Temple in which they were kept, that ſo the Remembrance of his wicked Deeds might be forgot.

‡ Some Copiers here have *Cn. Pompeius*; but there is no Doubt but he muſt have been a different Perſon from *Pompey* the Great, who could not poſſibly be Judge in this Cauſe, becauſe he was at that Time Conſul: Poſſibly *Quintus Pompeius* is meant, to whom (though he was *Milo*'s Enemy) he appeals, in order to gain him over to his Intereſt.

* *Janiculum* and the *Alps*: Who, when he could not prevail with *Titus Pacuvius*, an eminent *Roman* Knight, and a Man of Spirit, to ſell an Iſland upon the Lake † *Pretium*, inſtantly conveyed in Boats Materials for building with Lime, Timber, Stones, and Arms into the Iſland and in Sight of the Proprietor, who was but on the oppoſite Bank, built a Houſe on an Eſtate which he had no Right. Who (for I ſhall paſs by the Story of the poor *Scantia*, and the young *Apronius*, whom he threatened with Death, unleſs they yielded him the Poſſeſſion of their Gardens) durſt, immortal Gods! tell ſuch a Man as ‡ *Titus Furfanius*, that if he did not give him ſuch a Sum of Money as he demanded,

* *Janiculum* was formerly a Town on this Side of the *Tyber*: So called becauſe built by *Janus*, the moſt ancient God of *Italy*, when he divided all *Italy* with *Saturnus*, who built another Town on the other Side of the *Tyber*, from him, its Founder, called *Saturnia*. *Virg*. Æn. Lib. I. But here *Cicero* inclines to inſinuate, that he had a Mind to make himſelf Maſter of all the Territories between *Rome* and *Gaul*. The *Alps* were a Ridge of large and almoſt inacceſſible Mountains, ſeparating *Italy* from *Gaul*.

† The Lake, called the *Pretian* Lake, is between *Rome* and *Viterbium*. It is in ſome Copies called the *Pretian* Lake. There were in *Italy* three Lakes; *1ſt*, The *Lacus Nemorenſis*, ſo called from its being contiguous to a Grove or Foreſt. *2dly*, The *Lacus Juturvæ*, near the River *Numicius*, and ſo termed from *Juturna* the Daughter of *Daunus*, and Siſter of *Turnus* the *Rutilian*, whom *Jupiter*, as a Reward of her Virtue, changed into a Nymph of that River. *3dly*, The *Lacus Albanus*, the moſt conſiderable of the three, and taking its Name from the City of *Alba*, near which it lay.

‡ *Furfanius* was an Acquaintance of *Cicero*'s, to whom, when Orator, *Cicero* wrote, as appears from the ſixth Book of his Epiſt. *ad. Fam.*

manded, he would convey a * *dead Body* into his Houſe: With what an inveterate Spite muſt the Man burn who diſpoſſeſſed, in his Abſence, his Brother *Appius* of his Eſtate, a Man with whom I am under the ſtrongeſt Obligations of Friendſhip? Who attempted to run a Wall through a Court-yard belonging to his Siſter, and to carry it up in ſuch a manner, as to deprive her not only of the † Court-yard, but of all Acceſs and all Light to her Houſe?

YET all theſe Crimes were even then thought ſupportable, though perpetrated equally on the States as on private Perſons, upon the remoteſt as the neareſt, upon Strangers as Relations. But Habit had worn off the Edge of public Reſentment, and the City grew unaccountably inſenſible, through his repeated Violences. Yet by what means could you either avert, or ſuffer thoſe Dangers that were more immediate and more threatening? Had he got Poſſeſſion of the Government, to ſay nothing of our Allies, of

* *Clodius* threatened to bring into *Furfanius*'s Houſe a dead Body, that ſo he might be thought guilty of having committed the Murder in his owu Houſe; or perhaps he intended to make him thereby loſe the Right and Property of his Houſe; becauſe, by a dead Body's being brought into any Houſe, it became ſacred; and the Proprietor was obliged to quit all his Title to it. See *Cajus* in *Pandect. tit. de locis religioſis.*

† In the Original *Veſtibulum*, a Plot of Ground before the Door of any Houſe, through which an Avenue led to the Houſe itſelf.

of *foreign* Powers, * Kings and Princes (for you would have thanked the Gods, if he had ſpent his Fury upon thoſe rather than upon your Eſtates) neither your Houſes nor your Coffers: But what do I talk of Houſes and Coffers! By Heavens, neither your Children nor your Wives; not your Children nor your Wives, my Lords, had been unviolated by his unbridled Luſts. Do you imagine that I exaggerate? Is not all this evident? Is it not notorious? Is it not Fact, that he would have raiſed a Body of Slaves in this City, by which he was to ſeize the Liberties and Properties of *Rome* and *Romans*? Therefore, if *Titus Annius*, holding up the bloody Dagger, had cried, "My Countrymen, hear and attend: I have "killed *Publius Clodius*; I have with this "Dagger, and with this Hand, repelled from "your Necks the Yoke of that Fury which "threatened all that was dear to you, andwhich "no Law could confine, no Government could "bridle. To me it is owing that Equity, Juſ-"tice, Laws, Liberty, Decency, and Modeſty "have yet a Being in this City." Could *Milo* fear how ſuch an Action would be reliſhed by his Country? Where is now the Man who does not approve, who does not applaud it? Where is the Man who does not both ſay and think that *Milo*, of all Men in our Memory, had done the

* In the Original *Tetrarchs*, a Sort of Princes reigning over only a fourth Part of the Kingdom.

the greatest Service to the Republic, that he has diffused Transports over the Inhabitants of all *Rome*, of all *Italy*, and all the World? I am no Judge how far those Joys which our Ancestors conceived might transport them, yet this Age has seen a less exquisite and a less durable Extasy, than this Action gave, attend the noblest Victories of our bravest Generals.

TREASURE this, my Lords, up in your Memory, I hope it shall be the Earnest of many public Blessings to you and your Children, and that the Enjoyment of each shall be still attended with this Reflection, that, had *Clodius* lived, these Blessings had never been; we now entertain the highest, and, I hope, the best grounded Hopes in this very Year, that under the Consulate of that great Man, the Restoration of Law and Justice, and the Safety of *Rome* shall be founded upon the Crush of Ruffian Fury, and the Men of lawless Lust. But who, my Lords, is so simple as to believe, that, had *Clodius* lived, this ever could have been the Case? How could the Property, how could the Possession of what yourselves or your Forefathers have gained be insured, if at the Mercy of a frantic Wretch? I am under no Apprehension, my Lords, that the Keenness of my Resentment should make it seem as if I flung out all this with more Freedom than Truth:

For,

For, though I greatly hated him, yet ſo common an Enemy was he to Mankind, that my Deteſtation of him is ſcarcely greater than that of the whole World. No Words can expreſs, no Thought can conceive, what an execrable, what a pernicious Ruffian he was. Reflect, my Lords, upon one Thing? As you are now trying *Milo* for the Death of *Clodius*, let me imagine, for Imagination is free, and ſuch its Effect upon the Mind, as to perſuade us of the Reality of what it repreſents, I will imagine therefore a Picture of what I now ſuppoſe.

FORM, therefore, in your Thoughts the Picture of this my Suppoſition, that you ſhall acquit *Milo*, on Condition that I could make *Clodius* revive. What! do you turn pale at the Picture of this? Then how would the Life affect you? Do you dread him in vain Imagination, then how would he ſtrike you in his real Perſon? What! If the great *Pompey*, whoſe Quality and Merit are ſuch as to be able to effect what no Man alive can; if he, I ſay, had it in his Option either to appoint a Court for trying the Death of *Clodius*, or to raiſe him from the Dead, which do you believe he would have choſe? Though, as a Friend, he ſhould incline to raiſe *Clodius* from Death, yet the Love of his Country would oppoſe the Dictates of Friendſhip. You, therefore, preſide as the A-

vengers

vengers of the Death of a Man, whom, were it in your Power, you would refuse to restore to Life. And a Commission for enquiring into his Death has passed by Law, which Law, could it have brought him from Death, never had passed. If *Milo* then killed *Clodius*, is he by confessing it to dread Punishment from the Sentence of those Men whom that Action restored to Liberty?

The *Greeks* decreed divine Honours to the Men who put Tyrants to Death. What have I seen at *Athens!* What in the other Cities of *Greece!* What a Profusion of Divinity was ascribed to such Heroes! What Hymns! What Songs! They were worshipped with Ceremonies, and a Veneration approaching to Immortality. Yet this Saviour of a mighty State, this Avenger of enormous Guilt, you have suffered not only to remain unhonoured, but to be dragged as a Criminal to the Bar. He would, I say, he would have confessed, had he done it, the Action, and owned with Boldness, with Intrepidity, that he did it for the Public Good; this he would not only have confessed but proclaimed.

For, if he does not deny an Action for which he craves nothing but Pardon, shall he hesitate to confess that which might have flattered him with the Prospect of Reward? Unless he imagines

gines it to be more agreeable to you that he ſaved himſelf than all *Rome:* Eſpecially as your Gratitude, upon this Confeſſion, muſt have been attended with the nobleſt Diſtinctions the Public could beſtow. But if you ſhould not have approved of the Action, (yet, how can we ſuppoſe that any Man can diſapprove of providing for his own Safety) if the Courage and Virtue of the braveſt Man alive had been diſowned by his Country, yet would he with a generous, with an honeſt Indignation, have left this ungrateful City. For what can be a greater Expreſſion of Ingratitude than that the only Perſon who mourns, amidſt an univerſal Joy, ſhould be the Man from whom all this Joy is derived.

YET has it been the invariable Maxim of *Romans* in deſtroying the Oppreſſors of their Country, that, as it was ours to reap the Glory and Honour, ſo it ſhould be ours to ſhare in the Danger and Difficulty attending the Action. Where muſt my Glory, where muſt my Merit have been, had my Country imagined that all I encountered and ſurmounted in my Conſulſhip for you, my Lords, and your Poſterity, might have been effected without the moſt mighty Struggles? Where is the Woman who would not have dared to kill a Rebel, and a Ruffian *Roman*, if ſhe apprehended no Danger?

ger? But the Man, whom neither Death, Danger, nor Obloquy damps in his Attempts to ſerve his Country, is a *Man indeed.* It belongs to a grateful People to crown with Honours and Rewards the deſerving Patriot; and to him not to repent, from the Dread even of capital Puniſhments, that has bravely diſcharged his Duty. *Milo* therefore might have avowed his Action in the ſame Manner as *Abala*, as *Naſica*, as *Opimius*, as *Marius*, and as I myſelf did. Had his Country been grateful, he might have rejoiced; had ſhe been ungrateful, yet ſtill muſt he have been ſupported by the *home-felt* Satiſfaction of Mind, amidſt all the Preſſures of his Fortune. * But on this Occaſion, my Lords, the Guardian Genius of *Rome*, your own Preſervation, and the immortal Gods challenge your Gratitude. Nor can any Man think otherwiſe, but the Man who at the ſame Time denies the Power of the Gods, and the Juſtice of Providence: The Man who is unaffected with the Grandeur of the *Roman* Empire; blind to the Beauties of that Sun, the Revolutions of the natural Syſtem, the Dependence and Subordination of Cauſes, nay, what is ſtill more extraordinary, to the Wiſdom of our Anceſtors, who were not only the reverential Practiſers, but

* *Plutarch* obſerves, that the Beginning and Increaſe of the *Roman* Empire were both owing to Fortune; and that upon that Account the *Romans* erected many Temples to her.

but the careful Tranſmitters of divine Rites and Worſhip to us their Poſterity.

THERE exiſts, believe me, there exiſts a providential Power; nor is there implanted in the frail, the puny Compoſition of Mortals, any Principle either of Conſciouſneſs or Senſation, which is not equally diffuſed through the beautiful, the expanded Syſtem of univerſal Nature; unleſs Mankind will think otherwiſe, becauſe it is not immediately ſubjected to the Organs of their Senſes; as if it were poſſible for us plainly to diſcern either in what Manner or Point, the Principle, by which we deliberate and determine, by which we now act and ſpeak, exiſts. This very, this very providential Power, which by its own unſearchable Means raiſed your Country to Glory and to Empire, has deſtroyed this public Execration; firſt by inſpiring him with Preſumption to irritate by Violence, to provoke by the Sword the gallant *Milo*, and then by delivering him up to the Hand of the Man by whoſe Conduct he would have obtained an eternal Privilege and Impunity of Guilt. This, my Lords, was not effected by human Foreſight; but by an extraordinary Vigilance of the Immortal Gods over the Preſervation of *Rome*. Their awful Holineſs, by Heavens, which was Witneſs to the Fall of this Monſter, ſeemed to intereſt itſelf in his Fate, and to vindicate its

own

own Authority in his Deſtruction. For you, ye * *Alban* Mounts and Groves, I implore and atteſt; and you, ye diſmantled Altars of the *Albans*, Companions and Partners with *Romans* in their † Rites! thoſe Altars which his Fury buried under the frantic Piles of a taſteleſs Extravagance, after demoliſhing every awful Grove, and every religious Receſs. But in the Moment of his Fall, your Shrines recovered their Splendor, your Rites their Worſhip, and your Power its Influence; which had all been contaminated by his Guilt. And you, O awful *Jove!* from the exalted Summit of the *Latian* Mount, whoſe Streams, whoſe Woods, and Borders have been ſo often profaned by the lawleſs Luſt, and the criminal Pollutions of *Clodius*, at length your Eyes were opened to behold his Puniſhment: To you, to you, ye Powers, that late, though juſt and merited Forfeit was due, and in your Sight was it paid.

It cannot ſure be pretended, that by CHANCE he

* The *Tumuli Albani* were little Hills or riſing Spots of Ground, on which Altars were erected to certain Deities; or they were the Sepulchres and Monuments of the Inhabitants of *Alba*, who had been buried there before the Building of the City.

† The Rites here ſpoke of were common to all the People of *Latium* with the *Romans*; and were at firſt inſtituted by *Tarquinius Superbus*: They were yearly performed by the forty-ſeven Cities of *Italy*, who met with the People of *Rome* on the *Alban* Mount, to ſacrifice a Bullock to *Jupiter Latialis*, of which the People of every one of theſe Cities took a Part. *Dion. Halicar.* Lib. xiv. Chap. 16.

he received the first Wound, which gave him up to a shameful Death after his Encounter with *Milo*, before the Chapel, and, I may say, under the Eye of the *Deified Bona*, which stands upon the Estate of that accomplished virtuous Youth *T. Sextius Gallus*; as if his former corrupted Judges had acquitted him only, that he might be reserved for this edifying Death. Nor can it be denied, that the Resentment of the Gods infatuated his Retainers with such a Frenzy, as to commit to the Flames his exposed Corpse without Pageants, without * Hymns, without † Shows, without Pomp, without Praise, without Sorrow, without ‡ Sadness, besmeared with putrid Gore, and deprived of those Rites of Burial which are due and granted even to Foes. Piety, I imagine, would not permit the Images of so many celebrated Heroes to grace the Funerals of so execrable a Parricide; nor that the Dogs should tear him, when dead, in any other Place, than in that where he had been so often condemned and cursed, while alive.

HARD

* Musical Instruments and singing were by the *Romans* used at Funerals, which Custom was adopted by the *Jews*.

† The Gladiatorian Shows were exhibited at the Funerals of great Men, that so their *Manes* might be appeased by Blood.

‡ In *Rome*, whilst the dead Body was burning, there was a Woman hired to mourn, to whose Voice the rest of the Company conformed theirs.

HARD indeed, very hard and cruel, ſeemed to me the Fortune of the *Roman* People, who ſo long, and ſo often, ſaw and ſuffered him to repeat his Inſults upon the Commonweal. No Shrine of the Gods was ſo venerable as to be unpolluted by his Luſt; no Decree of the Senate ſo ſolemn as to be inviolated by his Guilt. When a Criminal, he openly corrupted his Judges; when a * Tribune, he induſtriouſly harraſſed the Senators. The moſt ſalutary Meaſures concerted and approved of by every Order, for the good of the Public, were by him † repealed. Me he drove from my Country; my Goods he plundered; my Houſe he fired; my Wife and Children he perſecuted, Againſt *Pompey*, he denounced impious War: Magiſtrates and Citizens, by his Means were aſſaſſinated; he burned the Houſe of my Brother; he pillaged *Tuſcany*; and drove many from their Habitations and Eſtates. Ever eager, ever rapid; neither *Rome*, *Italy*, Provinces, nor Kingdoms, could confine the Torrent of his Frenzy. Within his Houſe he was ingroſſing Laws, by

 which

* *Clodius*, when Tribune, had, contrary to the Authority of the Senate, decreed Provinces to *Gabinius* and *Piſo*, that he might the more effectually accompliſh the Ruin of *Cicero*.

† *Clodius* repealed all the Acts of the Senate, when he was plotting *Cicero*'s Baniſhment, for killing *Lentulus* and *Cethegus*, and thoſe others who were engaged in the Conſpiracy of *Catiline*; even although that Action of *Cicero*'s was done by the Orders, and honoured with the Approbation of the Senate and People of *Rome*.

which we were to be ſubjected to our own * Slaves; and he thought that this Year no Man could have called what he poſſeſſed, *his own*, ſhould *Clodius* affect it.

None but *Milo* oppoſed his Projects: *Pompey*, the only Perſon who was moſt capable, he thought his firm Friend by their late Reconciliation; the Power of *Cæſar* he accounted as his own; and my Fate had taught him to deſpiſe the Sentiments of every good, every honeſt Man. *Milo* alone bearded him. In this Situation, the immortal Gods, as I obſerved before, infatuated this abandoned, this frantic Wretch with the Reſolution to ſurprize *Milo*; the Peſtilence could have ceaſed by no other Means; nor was the Authority of the Republic ſo ſtrengthened as to be able to avenge her own Cauſe.

Are we to imagine that the Senate could have curbed him, when a Prætor, ſince they made ſo little Progreſs in checking him, while he was but a private Man? Could the Conſuls have been ſtrong enough to reſtrain their Prætor. In the firſt Place, had *Milo* been killed, the

* *Clodius* intended, if he got himſelf made Prætor, to enact a Law, granting a Power of voting to all the Freed-men in the ſeveral Tribes of the City. This Law could not fail to prove highly detrimental to the Republic; for it puts into the Hands of the Tribunes of the People an Opportunity of procuring Votes

the two * Consuls must have been of his Faction: In the next Place, what Consul would have had the Spirit to thwart him as Prætor, whom he remembered, while Tribune, to have most cruelly harrassed a Person of Consular Dignity? He might have obtained, oppressed, and possessed every Thing: By the new Law which was found among the other *Clodian* Laws, he would have made our Slaves his Freemen. In short, had not the immortal Gods struck him, weak and womanish as he was, with the frantic Resolution of attempting the Death of that brave Man, your Republic this Day had not had a Being.

HAD he been Prætor, had he been Consul, would he have committed nothing destructive in these *Temples*, and this *Forum*, could we suppose that they had been able to stand till he should be Consul? In short, had he been alive, would he have committed no Havock, who, when dead, by the Instigation of *Sextus Clodius*, one of his Dependants, set on Fire the Courts of Justice? Was ever Sight more miserable, more dreadful, and more melancholy, than that the Temple of the Holiness, Majes-

Votes by Bribes, and fomenting Seditions against the Senators and Nobles. This Law, with some others, *Clodius* had engraved on a Plate of Brass, as was usual in those Days.

* *Clodius* wished that *Hypsæus* and *Scipio* might be created Consuls.

ty, Wiſdom, and Conduct of the Public, the Head of this City, the Shrine of her Allies, and the Refuge of all * Nations, the Temple appointed by the unanimous Voice of the *Roman* People, to be the Seat of the Senate, ſhould be fired, eraſed, and polluted. This was not the Action of a heedleſs Mob (though even that had been deplorable) but of one Man, who, if he dared to commit ſuch Havock with a Torch for his Friend when dead, what muſt he not have attempted, had he diſplayed a Standard for the ſame Friend had he been alive? He choſe too to throw the Body of *Clodius* into the Senate-houſe, that he might, when dead, burn what he had overthrown, while alive.

SHALL ſome then affect to talk of the *Appian* Way, yet be ſilent as to the Senate-houſe? Can we imagine that the *Forum* could have reſiſted the Efforts of the Man when full of Life and Spirit, whoſe lifeleſs Coarſe conſumed the Senate-houſe? Raiſe, raiſe him if you can from the Dead; try to break the Rage that breathed from the living Man, though you had well-nigh fallen Victims to the Furies that attended the unburied Body. Unleſs you pretend that you quelled the Attacks of thoſe who flew

to

* Foreign Kings and People fled to the *Roman* Senate, as to a ſure and certain Refuge; and appealed to them, as the Arbitrators of all their Differences.

to the Senate-house with Torches, to the Temple of *Castor* with * Scythes, and marched all over the *Forum* with Swords. You have beheld the People of *Rome* massacred; and an Assembly attacked with † Arms, while the Tribune ‡ *Marcus Cælius* was speaking to the attentive People; a Man resolute in the Cause of his Country; firmly attached to what he undertakes; devoted to the Friends of Virtue, and the Authority of the Senate; and in this,

* The *Falces* of the *Romans* were Instruments of War crooked like a Reaper's Hook, and used upon two Occasions; either in pulling the Stones out of the Walls of a besieged City, or in cutting the Tackling of the Enemy's Gallies.

† As *Clodius* returned to *Rome* the same Night on which the Senate-house was set on Fire, *Cælius*, the Tribune of the People, having called an Assembly of all those who sided with *Milo*, in an Oration mustered up all the atrocious Crimes of *Clodius*; upon which the rest of the Tribunes rushed into the *Forum*, with a Body of armed Men, and had killed both *Cælius* and *Milo*, unless they had got themselves dressed like Slaves, and by that Means made their Escapes. They killed many of the Citizens, especially those who by their Dress and Apparel seemed to be People of Note and Distinction. Under a Pretext of seeking after *Milo*, they forced their Way into many Houses, and plundered them. Thus far *Asconius*, who chuses, instead of *Cælius*, to read *Cæcilius*.

‡ This *Cælius*, or *Cæcilius*, vigorously opposed a Law which *Cneius Pompeius* made, *viz*. That in this Process both the Appellant and Defendant should plead in one Day; and that the Appellant should have two, and the Defendant three Hours allowed him for that Purpose. For, said *Cælius*, this particular Law is enacted with no other View, but to injure *Milo*, and force a Verdict from the Judges before they had maturely considered the Merits of the Cause. And, when he obstinately persisted in shewing that this Law had no Countenance from Equity, no Foundation in Justice, *Pompey* was enraged to such a degree, that he said, he himself (if Necessity obliged him to it) would take up Arms in Defence of the Republic.

whether you call it the Perſecution or peculiar Fortune of *Milo*, amazing, divine, and incredible has been his Integrity.

But enough has been ſaid by way of Defence, and perhaps too much by way of Digreſſion. What remains, but that I ſhould beſeech and conjure you, my Lords, to extend to a brave Man the Compaſſion which he refuſes to implore? But I, againſt his Will, with Zeal, with Fervency implore it. Though, amidſt all this our Deluge of Grief, you never have beheld *Milo* to drop a Tear; though you perceive the ſame Reſolution in his Looks as ever, the ſame Firmneſs of Voice and Intrepidity of Language, yet let Favour take Place. Nor indeed do I know if any thing ought to plead more effectually for him than ſuch a Deportment. For when we ſee the Encounters of Gladiators, with the Behaviour and Fate of the loweſt Order of Mankind, though we deteſt the Cowards, and them who meanly beg for Life; yet at the ſame time we are deſirous to ſave the Brave, the Spirited, and thoſe who chearfully invite, nay, obſtinately provoke the fatal Stroke; and they, who ſeem to diſdain our Compaſſion, ſtir it more than they who implore it. Then how much ſtronger ought theſe Sentiments to prevail, when the Caſe is that of a brave Citizen?

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For my own Part, my Lords, I am dispirited, I am stabbed by the Expressions of *Milo*, which I often hear, and can daily witness; May the *Romans*, may the *Romans*, cries he, prosper, may they be safe, may they be glorious, may they be happy! However, she shall treat me, may this glorious City, and my Country, which ever shall be dear to me, flourish; may my Fellow-Citizens enjoy that Tranquility of Government, which I, though alone, have purchased, yet can I not partake of; I yield me, I retire; if I cannot be a Member of a virtuous, yet I shall be freed from a corrupted Government. And the civilized Land of Liberty that I first shall tread, there will I rest.

What abortive Toils, he cries, have I undergone? What deceitful Hopes have I harboured? What vain Speculations have I entertained? Could I who, when Tribune, devoted myself to the Senate, which, when oppressed, I sheltered; to the *Roman* * Knights, whom, when feeble, I strengthened; to the Wise and Virtuous, whom, when deprived of their Influ-

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* *Cicero* has in his View the Time at which he was recalled; at which Juncture *Sextius*, then a Tribune of the People, contributed all he could to get him brought Home; in which Affair he agreed with the Senate of *Rome*, against which the Tribunes of the People were for the most Part exasperated.

ence by the Fury of *Clodius*, I ſupported. Could I ever think that the Protection of the Wiſe and Virtuous would be wanting to me? When I reſtored you, my Friend *Cicero* (for we often diſcourſe together) to your Country, could I imagine that Country would throw me from her Boſom? Where is now that Senate whom we followed? Where, where indeed, ſays he, your boaſted *Roman* * Knights? Where are the Applauſes of the Corporations? Where the Voice of the People of *Italy?* Where, my *Cicero*, where is thy Art, where thy Eloquence, that uſed to relieve ſo many Diſtreſſed? Shall they be unavailing only to me, who have ſo often faced Death and Danger for you?'

Nor, my Lords, does he pronounce theſe Words like me in Tears, but with the ſame intrepid Look you now behold. He denies, he denies that what he acted was for the Ungrateful; but owns it was for thoſe who are fearful, and for thoſe who ſurvey every Appearance of Danger. He owns, that, in order to put you out of Danger, he gained over the Mob and the Commonalty of *Rome*, which, while attached to *Clodius*, threatened all that was dear to you; that he not only curbed them by his Courage, but ſoftened them at the Expence of his three

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* *Cicero* was firſt of the Equeſtrian, but went over from it to the Senatorian Order.

* Inheritances. Nor does he fear, while he appeafed the People by his Liberality, that he did reconcile you to his Conduct by his eminent Services to the Public. Whatever Turn his Affairs may take, wherever he fhall go, he fays, that it is out of the Power of Fortune to deprive him of thofe repeated Marks of Efteem beftowed upon him by the Senate: and the Diftinctions of Regard, Affection, and Love, fo often expreffed by you, and your Orders.

HE remembers too, that, to have been declared Conful, he wanted only the Voice of the † Crier, a Ceremony he did not at all affect; but that he was raifed to that Dignity by the Voice of a united People, a Diftinction which was the only Wifh of his Soul; and in fhort, that, if thefe Troops are drawn up againft him, it is not his Guilt, but the Sufpicion of it, that arms them. He likewife is fenfible of this undoubted Truth, that not *Reward*, but *Virtue*, is

* *Milo* had three Eftates; one left him by his Father, another by his Mother, and the third by *Caius Annius*, his Grandfather by the Mother's Side, by whom he was adopted. All the three he fpent upon Largeffes, and public Sports, for which he was next Day charged with Bribery, and condemned when abfent. But *Cicero* fays, thefe Largeffes were beftowed upon the People, by *Milo*, with no other Defign but that the Rich might be preferved from being robbed.

† Although the greateft Part of the Votes were given to one Man, fo that none in the *Comitia* could be ignorant who was created Conful, yet a common Crier was appointed to name him, with an audible Voice, and to extol his Character.

is the Motive of the glorious Actions performed by the BRAVE and WISE; and is conſcious that every Action of his Life has been great; for what can be greater than for a Hero at the Hazard of his own Life to bring Deliverance to his Country: That happy are they whom their Fellow-Citizens honour for this.

HE thinks them far from being miſerable, whoſe Patriotiſm is greater than the Reward attending it; and he remains fully convinced of this Truth, that, if the intrinſic Value of all the *Rewards* of *Virtue* were computed, the Preference muſt be given to GLORY. That this alone compenſates the Shortneſs of Life by the Duration of Fame, which repreſents us when abſent, and immortalizes us when dead; and that GLORY is in ſhort the Step by which Men ſeem to aſpire to be Gods.

'OF me, ſays he, the Inhabitants of *Rome*, and the World ſhall diſcourſe; and of me remoteſt Poſterity will not be ſilent. Even in this Inſtant, while my Enemies are piling around me all their flaming Brands of Calumny, am I celebrated by the Speeches, Thanks, and Applauſes of every Aſſembly of Mortals; to ſpeak nothing of the *Tuſcan* Feſtivals. It is now I think upwards of an hundred Days ſince *Clodius* was killed; and now not only the Fame of the Action,

Action, but the Joy it imparts is diffused beyond the remotest Bounds of the *Roman* Empire. Therefore, continues he, how this Body of mine is disposed of, is to me indifferent, since my Renown already fills, and shall ever possess every Corner of the World.'

THIS, *Milo*, was often your Discourse to me while these were absent, and now that they are present, I repeat it to you. The Virtues of your Mind I indeed want Words to express; but, the more divinely fair these Virtues are in you, the more bitter are the Pangs of Separation to me. Nor, when you are torn from me, have I the poor, the bootless Satisfaction of being angry with those who inflict so deep a Wound. We are separated not by my Foes, but my intimate Friends; by the perpetual Objects, not of my Enmity, but of my Gratitude. Yet, my Lords, sensible as this Affliction is to me, and sure nothing could equally affect me, never shall that, nor any other, render my Heart unmindful of your former Favours; still shall the grateful Remembrance of them live in my Soul: But, if it is extinguished in you; if I have incurred your Indignation, why am I not made the Sacrifice instead of him? For I account that my Days shall be crowned with Honour, if they are closed before my Eyes behold such Calamity befalling *Milo*.

YET, O my Friend, ſtill am I left with this Comfort, that no Act of Piety, Affection, or * Duty to you has been wanting in me: For you have I incurred the Frowns of Power; againſt your Foes have I often ventured my Life and Liberty: For you have I often proſtrated myſelf as a Suppliant; my own and my Family's Eſtate have I riſqued to periſh or ſurvive with your Fortunes. † And in this very Hour, if any Injury, if any Puniſhment is deſigned againſt you, I deprecate it on my own Head. What now remains! What can I do! What can I ſay! How can I diſcharge the Debt I owe you, if I ſhare not in your Fortunes? I am ready, I am prepared: And, my Lords, beg that you would either crown your Favours by the Safety of my Friend, ‡ or command me to cancel them by his Ruin.

MILO ſtands unmoved with the Tears I ſhed; Amazing Fortitude of Soul! He thinks he never can be an Exile, but in the Land where Virtue has no Being: And that Death is not the

* So great was *Cicero*'s Attachment to *Milo*, that neither the Number of the *Clodians*, nor the Power of *Pompey* (who was enraged againſt *Milo*) could deter him from undertaking his Defence.

† *Cicero* was always Aſſiſtant to *Milo* in ſeeking the Conſulate, though upon that Occaſion *Clodius* ſeveral times took up Arms againſt him.

‡ I read for *videatis* in the Original, *jubeatis*. But there ſeems to be ſome Lameneſs here.

the Penalty, but the Dissolution of Nature. Let him then retain his natural Intrepidity of Soul; but how, my Lords, are you to determine? How indeed! Will you banish the Person of the Man whose Remembrance you indulge with Pleasure? And can any Land afford a nobler Scene for these Virtues than that where they first existed? I call on you, ye Heroes; on you who have profusely shed your Blood for your Country; ye Centurions, ye Soldiers, to you I appeal in this Hour of Danger to the best of Men, and the bravest of *Romans*: While you are looking on, while your Swords are in your Hands, while you guard this Tribunal, shall such amazing Courage be expelled, be extirpated, be spurned out of this City?

WRETCH, unhappy Wretch that I am! Could you, *Milo*, by these recall me to my Country? And by these shall I be unable to retain you in yours? How shall I answer it to my Children, who thought you another Father? How, to you, my Brother *Quintus*, who art now absent, the Partner of all those my Dangers, that I was not able to ensure the Safety of *Milo*, by those who were the Instruments of my own Preservation? In what Cause am I under this Inability? In a Cause approved of by all Mankind. Who have put me under this

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Inability? They who have gained moſt by the Death of *Clodius*. Who ſollicits them? I myſelf.

WHAT Wickedneſs have I hatched! What enormous Crimes have I perpetrated! Is it, becauſe I traced, diſcloſed, expoſed, and extinguiſhed a Conſpiracy big with univerſal Deſolation? From that Fountain ſpring all the Miſeries of me and mine! Why did you deſire my Return from Baniſhment? Was it that I might witneſs the Exile of the Authors of my Deliverance? Do not, my Lords, I conjure you, render my Return more bitter than was my Expulſion. For how can I think that I am reſtored to my Country, if I am torn from thoſe who reſtored me?

I WISH to the immortal Gods (with Reverence to you, O my Country! I ſpeak this, leſt the Piety of my Sentiments for *Milo* ſhould be an Execration to you) that *Publius Clodius* were not only alive, but Conſul, Dictator, Prætor, could it ſave me from beholding this Calamity. Immortal Gods! Is a brave Man, my Lords, to be preſerved by you! By no Means, he cries: The Traitor met with the Fate he deſerved; and let me, if it muſt be ſo, undego the Puniſhment I have not deſerved. Shall then the Man born to ſave his own Country reſign

ſign his Breath in another? But, if he muſt die for his Country, will you keep at home the Monuments of his Spirit, yet deny a Tomb in *Italy* to the Remains of his Body? Can any Man give his Voice for expelling from this City the Hero whom every City upon Earth would be proud to receive?

HAPPY that Country which ſhall ſhelter him! Ungrateful this, ſhould ſhe expel, and wretched ſhould ſhe loſe him! Here muſt I ſtop; my Tears deny Utterance to my Tongue, and the Commands of *Milo* forbid the Interceſſion of my Tears. In your Deciſion, my Lords, *dare*, I conjure you, *to be juſt*, give your Votes according to the Dictates of your Conſciences; believe me, your Firmneſs, your Equity, and your Virtue, will be moſt agreeable to the * Man, who on this Occaſion has raiſed to the Bench the beſt, the wiſeſt, and the braveſt of Mankind.

* He here means *Pompey*, who (though he had choſen the wiſeſt Men out of all the Tribes for Judges in this Matter) would nevertheleſs canvaſs their Sentences, and enquire into the Equity of them. This *Cicero* ſays with a View to ſooth *Pompey*; and, by extolling both his Application and Juſtice, to gain him over to *Milo*'s Intereſt.

THE

THE

ARGUMENT.

ONE of the chief, and most dreadful Consequences of Sylla's *Usurpation, was an universal Degeneracy of the* Roman *Senate, at a Juncture, which most required the strictest Exercise of their Virtue. This produced an Impunity, and a Remissness of Justice, which encouraged several Governors of the Provinces to oppress the Allies, and Tributaries of the* Roman *People.*

VERRES, *the Prætor of* Sicily, *a Country that had a Right to all the Gratitude and Indulgence that* Rome *could express, distinguished himself by every Art of Oppression, Cruelty and Avarice; and as he was a Man of great Quality, great Alliances, and some Abilities, he was protected by the noblest Families, and greatest Men in* Rome. *Among these,* Hortensius, *who was then eminent for his Eloquence, Subtlety in Pleading, and Knowledge of the Laws, was a zealous Advocate for* Verres, *and did all he could to prevent his being brought to a Trial. But, a new Prætor succeeding to* Verres *in* Sicily, *the* Sicilians, *all except the Inhabitants of two Cities, resolv-*

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ed to impeach him at Rome, *upon the Law of Bribery and Corruption, and applied to* Cicero, *who had formerly been Quæstor of* Sicily, *that he would manage the Prosecution.*

Cicero, *perhaps, not displeased that he had now an Opportunity of displaying his Abilities and Eloquence, in a Cause not only just but popular, and against* Hortensius, *the only Man in* Rome *who was capable to rival him, undertook the Management of the Prosecution. But a previous Trial of Skill upon the Question,* Who was intitled to be the legal Prosecutor of *Verres? arose from the following Circumstances:*

Quintus Cæcilius, *who had been Quæstor under* Verres, *conscious his Guilt was so complicated with that of* Verres, *that great Part of it must appear in the Examination of the Facts laid against* Verres, *and willing to screen his Prætor, from whom he had doubtless a proper Consideration, pretended to the sole Right of managing the Impeachment, for the following Reasons:*

1st, *Because he himself had received personal Injuries from* Verres; *therefore it was to be presumed, that he would be more eager in the Prosecution, because he had personal Motives for accusing him.*

2dly, *Because, having been Quæstor under*

 Verres,

Verres, *he must be better acquainted with Facts than any other Man, therefore more able to convict him.*

3dly, *Because he was a Native of* Sicily, *therefore it was to be presumed he would be more interested than any other, in bringing to Justice the Oppressor of his own Country.*

Cicero, *in the following Oration, confutes these Reasons, and, with an honest Warmth, remonstrates to the Court, which was composed of a Committee of the Senate, the Necessity of re-establishing their Reputation, and restoring Impartiality and Integrity to the Courts of Justice. This happened in the Year of* Rome 685, *and the 37th of* Cicero.

M. T.

M. T.

CICERO's

ORATION

AGAINST

*CÆCILIUS.**

IF any upon your Bench, my Lords, or in this † Assembly, should be surprized that I, whose Practice, during many Years, in Causes and Trials at the Bar, has been such as to defend many, but attack none, should, all of a sudden, change

* This Pleading is called *Divinatio*; by which the *Romans* meant that Kind of Trial in which two, or more, were contending among themselves for the Right and Privilege of accusing any one. *Asconius* (a good Authority in Matters of this Nature) is of Opinion, that this Species of Trial was called *Divinatio* from its being conversant, not about a past, but a future Event; *viz. Which of the contending Parties should, in the Issue,*

change my Disposition, and commence Accuser, they need but to weigh the Motives and Reasons of my Conduct, to approve of it, and own that this Cause falls more naturally to my Management, than to that of any other Man alive.

When I left *Sicily*, my Lords, where I had been

Issue, be vested with the Right of accusing. Others think that this Kind of Trial got the Name *Divinatio*, because, upon these Occasions, the Judges, not being sworn, were left to guess in their own Minds at the Fates of the several Persons who laid Claim to the Right of Accusation. A third Class of Critics and Commentators maintain, that it received this Name, because, Witnesses and Registers being laid aside, the Judges were only swayed by the Force of the Arguments advanced by the respective Parties; and from them enabled, as it were, to prophesy how Matters would turn out; and what the final Result would be. The Reader may have a fuller Account of this Matter in *Aulus Gellius*, Lib. ii. Chap. 4. and in *Sigonius, de Judic.* Lib. ii. Chap. 9. *Ulpianus de Accusat.* likewise makes Mention of this Affair, and says: *If several Persons are desirous to accuse the same Man, the Judge ought to chuse from amongst them him, who by his Age, his Morals, and the other Circumstances of his Life, shall seem best qualified for that Purpose.* When many had given in an Accusation against the same Man, he who gave in the first was called the *Accuser*: And he who gave in the second, or third, the *Subscripter*, or *Sollicitor*, who generally used to assist the first and principal Impeacher. With Regard to this Matter, *Plutarch*, in his *Cato Major*, informs us, that there was a Law permitting the Person accused to appoint some Person, as a Kind of Check, upon the Accuser, whose Business it was to take Cognizance of the several Articles of the Charge laid against the Accused.

† There were a great many of the *Senatorian Order* present at this Trial, either in Quality of Assessors, or as *Auditors*, not vested with any Power, for the Office of the chief Magistrates did not consist in giving Judgment, *but in constituting Judges.*

been * Quæstor, the Inhabitants retained so grateful a Remembrance of my Conduct, and such a Regard for my Person, that they thought, as their Confidence in many of their † antient Patrons was great for the Maintenance of their Fortunes, so that they had Reason to repose some in me. Now that they are harrassed and persecuted, with repeated Instances, they publickly and ‡ unanimously apply to me to undertake the Defence of their Fortunes; remonstrating at the same Time, that I should then only act in consequence of my repeated Acknowledgments and Promises, when I professed myself

* About four Years before this Trial, *Cicero* had been Quæstor in *Sicily*, under the Prætorship of *Sextus Peducius*, who was succeeded by *Caius Sacerdos*, whose Successor in Office *Verres* was. But I judge it proper here to acquaint the Reader, that in *Sicily* there were two Quæstors; the one of *Syracuse*, the other of *Lilibæum*, which *Cicero* was.

† There were in *Rome* a great many Men of Note, who had strenuously patronized the *Sicilians*; amongst whom was *Marcellus*, the Son of that *Marcellus* who, having bravely conquered *Syracuse*, generously preserved and protected its Inhabitants. They had likewise, for their Friends and Patrons, all the *Scipio's*, the illustrious Race of *Scipio Africanus*, who, having destroyed *Carthage*, carried back in Triumph to *Sicily* all those Ornaments of which the *Carthaginians* (upon their proving victorious) had robbed her. They were also vigorously and warmly befriended by the *Metelli*; two of whom, *viz. Metellus Celer*, and *Metellus Nepos*, were very active in impeaching *Marcus Lepidus*, on Account of his Misconduct, when Prætor in that Province.

‡ That the Reader may not be misled in a Point of History, I must inform him, that *Cicero* in this Passage makes Use of a *rhetorical Exaggeration*, and stifles Part of the literal Truth; for neither the Inhabitants of *Messina* nor of *Syracuse* applied to him on that Occasion.

ſo much their Friend, as to be ready on every Occaſion to ſerve them, when required.

THEY told me, that now was the Time; the Time! For my defending not only the Intereſts, but the Lives and Properties of a whole People; that their Towns were rifled of their Gods, therefore, to their Gods they could have no Recourſe; that *Verres* had robbed their moſt awful Shrines of their moſt venerable Images; that whatever could be done by *Luxury* to improve *Senſuality*, by *Cruelty* to heighten *Pain*, by *Avarice* to prompt *Rapaciouſneſs*, or by *Pride* to ſupport *Inſolence*, was by this one Prætor in the Courſe of * three Years inflicted upon them. At the ſame Time, begging and intreating me not to diſregard their Supplications; ſince, while I am ſafe, they ought to become Suppliants to none. It was, my Lords, with Reluctance and Pain, that I found myſelf reduced to the diſagreeable Neceſſity, either of abandoning thoſe who expected my Relief and Aſſiſtance, or to be obliged to lay down the Part I had ever acted from my Youth, which was that of a Defender,

* *Verres* was three Years Prætor in *Sicily*; one for himſelf; another on Account of the Death of *Arrius*, when on his Journey to *Sicily* in order to ſucceed him; and a third, on Account of the Fugitives. But one Year was the ſtated Time for the Continuation of a Prætor in a Province; it being a Maxim of the *Roman* Government (and indeed a Maxim founded on the juſteſt Politics) *never to allow a Man to continue long in Power.*

fender, and to commence Accuſer. I told them, that they might have Recourſe to *Q. Cæcilius*, eſpecially as he ſucceeded me as * Quæſtor of their Province. But the very Thing, which I imagined would extricate me from this Difficulty, proved the Means of embarraſſing me further; for they would much more readily have agreed to my Propoſal, had they not known † *Cæcilius*, or had he not been in that Office.

THEREFORE, my Lords, I have thought proper to charge myſelf with a Part in which I did not conſult my own Convenience, but that of my Friends; my Duty, my ‡ Engagements, Hu-

* The *Quæſtor Provincialis* of the *Romans* was an Officer immediately under the Prætor, and ſent Abroad with him to collect the Revenues of a Province, and manage the public Money.

† Some of the Critics maintain, that the *Sicilians* muſt have been acquainted with the Character of *Cæcilius*; becauſe, according to *Aſconius*, he was a Native of their Province. Others of them, relying upon the Authority of *Plutarch*, think he was a Freedman of *Rome*, and a Profeſſor of the *Jewiſh* Religion; which of them is in the Right, I ſhall not take upon me to determine. But that *Cicero* took him for a *Jew* is pretty plain from the Exclamation, *Quid Judæo cum Verre! What has a* Jew *to do with* Verres! Which laſt Word ſignified among the *Romans* an *uncarſtated Hog*. I believe every Reader of Judgment and Taſte will perceive, that this Exclamation is not only a Piece of falſe Wit, but likewiſe unbecoming a Gentleman, and quite below the Dignity of the Bar: As if, forſooth, a Man was to be jeered and ſcoffed at on account of his Religion; or, for his Belief in Matters of Faith and Speculation, denied the Privileges of a Man, and cut off from the Privileges of a Subject.

‡ Before *Cicero*'s Return from his Prætorſhip, he had bound himſelf by many Promiſes to patronize and protect the *Sicilians*.

Humanity, the Examples of many worthy Men, the Practice of our Anceſtors, and the Laws of my Country required it at my Hands. But, my Lords, in this Action, I have one Comfort left, which is, that my Pleading is not properly an ARRAIGNMENT, but a DEFENCE. For I defend a conſiderable Body of Men, a Number of Cities, and the whole Province of *Sicily*. If, therefore, I am obliged to arraign *one* Man, I conceive that I ſtill act in my former Character, ſince it is with a View to obtain Relief and Juſtice for *many*.

BUT though this Cauſe I now undertake had not been ſo weighty, ſo deciſive, and ſo important, though the *Sicilians* had not ſollicited my Appearance at this Bar, or my Connexion with them had been ſo ſmall as to have excuſed me; yet ſhould I plead, that the Duty I owe to my Country is the only Motive to what I now do, and requires me to exert my utmoſt in bringing to Juſtice a Man infamous for Avarice, Inſolence, and Villainy; a Man, my Lords, whoſe Robberies and Crimes, after being known not only in *Sicily*, but over all * *Achaia*, *Aſia*, *Cilicia*, and *Pam-*

* *Verres* being ſent as *Dolabella's* Pro-quæſtor, into theſe Provinces, committed many atrocious Crimes; and by his exceſſive Cruelty, and inſatiable Avarice, rendered himſelf odious, and his Prætorſhip intolerable to the Inhabitants. *Achaia* is a Country of *Greece*, ſurrounded by the Sea on all Hands, except on

Pamphylia, are now public, and most infamously, notorious at * *Rome*. Yet who could blame that Motive, or my Conduct?

IMMORTAL Gods! Can I at this Day do my Country nobler Service? Can I do any Thing more agreeable to the *Roman* People, of greater Advantage to our most distant † Friends and Allies, or more for the Safety of the Liberties and Properties of Mankind in general?

WHOLE Provinces were plundered, harrassed, and ruined; the Allies and ‡ Tributaries of the *Roman* People apply in the Anguish of their Misery, not in Hopes of Redress, but of Alleviation to their Calamities. They who incline that the § Administration of Justice should remain

on the North; its Metropolis is *Corinth*. *Cilicia* is a Country of *Asia Minor*, lying next to *Syria*, of which *Cicero* was afterwards made Governor. *Pamphylia* was a Country of *Asia Minor*, situated in the *Mediterranean*.

* *Verres* was then Town-prætor of *Rome*, so that his *Crimes may well* be supposed to be notorious there.

† The *Romans* had Allies of three different Kinds: The first were those, who, being conquered in War, had Laws imposed upon them by the *Romans*. The second, those who (being equal to them in the Fate of War) entered into an Alliance with them upon equal Terms. The third, those who, having never been their Enemies, chose of their own Accord to enter into a League with them.

‡ The Tributaries of the *Roman* People were those who paid a certain Tax, either in Money or in Corn.

§ This Passage must be unintelligible to an *English* Reader, who does not know that *Sylla* had, during his Usurpation, deprived

main vested in the Senate alone, complain of the Insufficiency of the Accusers; and they, who are in a Capacity of acting as such, complain of the Want of unbiassed Decisions. In the mean Time, the *Roman* People, though oppressed by many Inconveniencies and Difficulties, yet demand nothing more earnestly than the Revival of the antient, the venerable, the steady Force of public Trials. From the Scarcity of Tribunals they have obtained, by their Sollicitations the * Tribunitial Power: From the Contempt into which they are fallen, it is found absolutely necessary that another † Order should be associated with the Senate in its judicial Capacity; and the Infamy and Corruption of the Judges have reconciled the People to the ‡ Censorship, an Office that formerly appeared so severe; but now, my Lords, become popular and agree-

prived the *Roman* Knights of the Power of trying Causes. *Cicero*, who was still a Friend to the Equestrian Order, speaks his Mind upon that Subject with a becoming Boldness; and expresses the Necessity of having that Breach in the Constitution repaired.

* Before the Dictatorship of *Sylla*, the Tribunes had a Power of summoning before the People not only a Senator, but even a Magistrate, who had taken Money for his Voice in any Cause; but, a few Months after *Sylla* had taken away this Power, the Consuls *Pompey* and *Crassus*, restored it.

† *Viz*. The Equestrian.

‡ The *Censors* were created every fifth Year; and their Business was to correct and chastise the vicious and immoral Members of the State. If they informed against a Senator, he was expelled the Senate. If against a Knight, he lost his Horse. If against a Plebeian, he was marked in a certain Register, that he might be fined, and his Name struck out of the Roll of the Century to which he belonged.

agreeable. Amidſt theſe exceſſive Oppreſſions from the worſt of Men, amidſt the daily Complaints of the *Roman* People, the Infamy of their Tribunals, and Diſguſt againſt the whole Order, convinced, as I was, that the only Remedy which could be applied to theſe Evils was to put Men of Integrity and Worth into the Adminiſtration of your Government, and at the Head of your Laws, I own that I endeavoured to give the Republick Relief in that Part where ſhe ſeemed to be moſt ſenſibly affected.

HAVING thus given my Reaſons for appearing in this Impeachment, I am now obliged to enter into the Merits of the Cauſe, that this Court may be able to form a Judgment of the ſeveral Pretenſions which my Adverſary and I have to appear here as the Accuſer. I apprehend, my Lords, when an Information is laid againſt Extortion and Corruption, if any Diſpute ſhould ariſe about the Perſon who is the moſt proper to act as the Impeacher, theſe two Things are to be conſidered: *1ſt*, Who the Perſon is whom the Parties aggrieved moſt deſire ſhould be the Proſecutor; and then, Who the Perſon is whom the Impeached dreads moſt in that Capacity.

MY Lords, though I think both theſe Points are extremely clear at preſent, yet ſhall I touch

upon

upon both: And first upon that which at present ought to weigh most with you; I mean, the Inclinations of those who have been injured, and for whom Prosecutions for Extortion were appointed. *Verres* is accused of having for three Years plundered the Province of *Sicily*, of ruining the Cities, demolishing the Houses, and pillaging the Temples of the Inhabitants; the *Sicilians* in a Body present their Complaints, and have Recourse to my Friendship, which they have long valued, and long experienced. By me, they implore Protection from you, and from the Equity of the *Roman* Laws; they point me out as the Redresser of their Wrongs, as the Avenger of their Injuries, as the Advocate of their Rights, and as the sole Manager of this Impeachment.

* WILL you, *Cæcilius*, affirm one of two Things, either that I officiously, and without the Impor-

* This Part of his Speech is what the Logicians call the *Confirmation*, and consists of two Parts: The first, which he now enters upon, may be reduced into a Syllogistical Form, in this Manner: *If the* Sicilians *require that I* (Tully) *shall be the Accuser, this ought to have great Weight with the Bench.*
They *do require it*; Therefore
This *ought to have great Weight*, &c.
This is home and close Reasoning. The chief Maxim of the *Roman* Government, as our Author has shewed elsewhere, in many Instances, was to protect their Friends and Tributaries: And the Laws of *Rome* were such, that no Magistrate, however great, could be without their Reach, either at *Rome* or Abroad, if he acted oppressively and tyrannically.

Importunity of the *Sicilians*, intruded as a Party in this Affair; or that the Importunity of our beſt and moſt faithful Allies ought in this Court to have no Weight! If you * dare maintain what *Verres*, whoſe Enemy you pretend to be, earneſtly deſires ſhould be believed, that the *Sicilians* made no Application to me, you do a Service to the Cauſe of your pretended Enemy, againſt whom not † Preſumptions alone, but poſitive Proofs have been brought from the Notoriety, that the *Sicilians*, all to a Man, demanded an Advocate for their Rights againſt his Violations.

If you, as his Enemy, ſhall deny this Fact, a Fact, which though it bears the hardeſt upon him, he himſelf dares not deny; beware, my Friend, that you puſh not your Enmity with too gentle a Hand. Beſides, ſome of the moſt illuſtrious

* For, if the *Sicilians* had demanded no Proſecutions, this was a ſtrong Preſumption that they had not been injured in any great Degree.

† This Paſſage is very difficult to be tranſlated into *Engliſh*; the literal Senſe is, *Of whom not only a previous Judgment, but a Judgment is plainly thought to have been made:* The Original is, *de quo non præjudicium ſed plane judicium ſit factum putatur.* That we may not heap a deal of uſeleſs Learning and Quotations into theſe Paſſages, it may be ſufficient to ſay, that *Præjudicium* in *Latin* admits of two Senſes, *viz.* either a Sentence pronounced upon one Part of the Trial, which might ſerve to direct the Deciſion of the Whole; or, a Circumſtance, which, though not a legal Proof, was very ſtrong for or againſt a Party. Having ſaid thus much, I ſhall ſay no more about the Liberty I have taken in the Tranſlation.

illuſtrious Men in the City can give Evidence of the contrary; I am under no Neceſſity of naming them all. I ſhall only appeal to ſome who are preſent, and whom, ſhould I be guilty of a Falſhood, I ſhould by no means wiſh to be Witneſſes of my Impudence. I appeal to *Caius Marcellus* who ſits on the Bench, and to *Cn. Lentulus* * *Marcellinus*, whom I ſee in Court, two Perſons upon whoſe Friendſhip and Patronage the *Sicilians* have a great Dependance; the whole Province of *Sicily* being devoted to the Name of the *Marcelli*.

THEY know that I was not barely ſollicited, but intreated with ſo much Earneſtneſs, with ſo many repeated Inſtances, that I muſt either have undertaken this Cauſe, or have ſhamefully rejected the Tyes of our Relation. But why do I bring Witneſſes to this Fact, as if it were doubtful or obſcure? Men, my Lords, of the greateſt Quality in the whole Province, are preſent, ready to petition, ready to conjure you, that, in naming the Manager of this Impeachment, your Sentiments may be agreeable to their own. Commiſſioners appear from every City in *Sicily*, † except two, and, if they were preſent,

* This *Marcellinus* had been Prætor, and was after that ſent to command in *Sicily*.

† The two Cities, here mentioned, are *Mamertium* and *Syracuſe*; which were Confederates with *Verres* in many of his Acts of Oppreſſion.

ſent, two very notorious Crimes, in which theſe Cities were Accomplices with *Verres*, might receive ſome Alleviation. But why apply they chiefly to me for Protection? Were there any Doubt upon this Head, or were the Fact queſtionable, I could clear the Reaſon up. But as it is a Caſe ſo evident, that you can judge of it from what you ſee, I know no Reaſon why an Objection from my being choſen, preferable to any other, ought to affect me.

But, my Lords, I am not to account for the Reaſons that might determine them to apply to me. I am not to * arrogate any thing to myſelf on Account of my Abilities; nor am I willing that any one ſhould in the leaſt imagine me to be ſuperior to other Pleaders. The Caſe is far otherwiſe; but a Meaſure of this Nature ought to be determined by the Circumſtances, the Health, and the Abilities of the Agents employed. My Sentiments and Inclinations were always for employing one of thoſe who are qualified rather than myſelf; but myſelf rather than none.

Therefore, as it is ſelf-evident that the *Sicilians*

* I have often obſerved, that, when *Tully* ſpeaks of his own Perſon and Abilities, he has the Art of throwing what he ſays into a very doubtful Light, by leaving the Reader to imagine a great deal; and, with what one may venture to call an *impudent Modeſty*, diſplays greateſt Abilities when he pleads *greateſt Weakneſs*.

lians applied to me, let me proceed to enquire whether this ought to be of Importance ſufficient to engage your Thoughts, and to fix your Attention? Whether the Claims of your Petitioners, the Allies of the *Roman* People, ought to be admitted, and have their due Weight in an Accuſation of Bribery and Corruption. But why ſhould I multiply Words? Is it not evident, that the whole Syſtem of Laws upon this Head was formed on Account of our Allies?

WHEN one *Roman* Citizen defrauds another, the latter has his Relief, in a Civil Action, and the Laws of his Country. But this Law is *Social*, it is a Right peculiar to *Foreigners*; this is the Fort to which they can retreat; and though I own that ſome of its Out-works have been lately demoliſhed, yet if there is the leaſt Hope remaining to chear the Hearts of our Allies, it muſt proceed from that Law. A Law for which not only the *Roman* People, but the remoteſt Nations require the moſt jealous Guardians *.

WHO then will deny that a Law ought to take its Courſe according to the Diſcretion of thoſe People for whom it was enacted? Could *Sicily*

* The proper Guardians of a Law are the Judges; therefore, ſays our Author, the *Romans* and all the World require, that you ſhould keep the Law inviolated, and in full Force.

Sicily be ſuppoſed to ſpeak, ſhe would ſay, " You, *Verres*, have robbed, you have plun- " dered me of all the Gold, the Silver, and " Ornaments contained in my Cities, my " Houſes, or my Temples, and of every Pri- " vilege I enjoyed by Indulgence from the Se- " nate, or by Right from the People, of " *Rome*; and in their Name I demand of you " by Law an Account of almoſt a * Million " of Money." † I ſay, had that whole Province one Tongue, this would be her Language; but, as that is impoſſible, ſhe has choſen the Perſon whom ſhe thought moſt proper to manage this Impeachment.

OUGHT any Man, in ſuch an Event, to be ſo preſumptuous or officious as to thruſt himſelf in, and, in Oppoſition to thoſe who are immediately intereſted, offer himſelf as the Advocate of their Rights? Should the *Sicilians* ſay to *Cæcilius*, *We are unacquainted with your Perſon, your Character, and your Country; ſuffer us therefore to commit our Fortunes to the Management of the Perſon whoſe Integrity we have experienced*; Would not every Man think this very rea-

* Though I have taken the Liberty of making the Sum round, yet in the Original it is *Sextertium Millies*; but our Author makes it leſs in the Courſe of his Pleading againſt *Verres*. The Sum mentioned here, however, amounts to about 789,250*l.*

† What a noble Indignation does our Author expreſs always, when he is ſure that he has Right and Law upon his Side?

reaſonable? But now they flatly ſay this, that they know both; that they commit their Intereſts into the Hands of the one, and will have nothing to do with the other.

THE Reaſons for their Refuſal, were they not expreſſed, might be eaſily underſtood. But they do expreſs them. Shall you then thruſt yourſelf forcibly upon them; will you ſpeak in a Cauſe in which you have no Concern; ſhall you defend them who chuſe to be abandoned by all, rather than be defended by you? You aſſiſt them! * When they know that *Self-intereſt* deprives you of the *Inclination*; and that, though you had the *Inclination*, you are deſtitute of the *Power*, to ſerve them. Why ſhould you endeavour to wreſt from them the ſmall Hope of the Remains of their Fortune, which they have now ventured upon the Equity of the Law, and Impartiality of their Judges? Why ſhould you interpoſe againſt the expreſs Inclinations of the Parties for whoſe Relief this Law was calculated? Why ſhould you endeavour to ſtrip the Perſons, to whom you was obnoxious when in that Province, of their *All*? Why would you deprive them of the Power, not only of proſecuting their Rights, but of deploring their Miſeries †? Were you the Proſe-

cutor,

* There is here in the Original a great Perplexity in the Reading, and no Commentator has yet fixed it. I have tranſlated it to what I thought was its true Senſe.

† There is the ſame here.

cutor, Sir, ſhew me the Man among them who would give his Evidence. Are you not conſcious their principal View is, not that another ſhould be puniſhed through your Means, but that you yourſelf ſhould be puniſhed through the Means of another?

THIS Point therefore I conceive to be clear, that the *Sicilians* deſire to have me for their ſole Manager; and ſhall the other Head I lay down be doubtful? I mean, who the Perſon is whom *Verres* moſt dreads in the Capacity of his Accuſer. Did ever Man more openly ſollicit Honours? Did ever Man more earneſtly ſtruggle for Life, than *Verres* and his Friends do, that I ſhould not be truſted in this Affair! *Verres* imagines that I have many Things to recommend me, of which he knows, *Cæcilius*, you are deſtitute. But theſe, and the Manner in which they exiſt in us both, I ſhall ſoon lay open.

ONE Thing I will now affirm, and to it I muſt have your ſilent Aſſent, that there is nothing in me which the Impeached can contemn, and nothing in you which he can dread. * Therefore does his Champion and Friend

* Our Author now enters upon a very bold and hazardous Undertaking, which was to expoſe the Practices and Conduct of *Hor-*

Hortensius give his Voice for you in Opposition to me; he openly sollicits the Judges to give you the Preference, declaring that he acts without Design, without Passion, and without Prejudice. * "I do not, says he, sollicit the "Judges, as I was wont with Success to do, "when I applied my most *persuasive Arguments*, that a Criminal should be acquitted: "No, I do not: All I sollicit now is, that "this Man shall have the Preference to the "other as the Accuser. Grant me but this, "grant me a Thing which you may do with "Ease, with Honesty, with Reputation; and, "when you yield, you yield at the same Time "that the Person whose Interest I espouse shall "without any Danger, without any Infamy "to yourselves, be acquitted."

But he proceeds further, and strengthens his Interest by Threatenings; he tells them that there are certain Judges in Court who he could wish were to see the Suffrages; that this was very easy, for the Judges do not deliver in their Votes

Hortensius, a Man of great Authority and Abilities: This he does without Reserve, and in such a Manner, as would not be admitted of in any modern Court, without a very severe Censure. There is a fine Sneer in the Original through all this Paragraph, which I have endeavoured to keep up to in the Translation.

* We may suppose, that in this Speech, which our Orator has made for *Hortensius*, he endeavours to imitate the Stile and Manner of that great Man, whom yet he greatly esteemed.

Votes ſingly, but promiſcuouſly; that every Judge ſhould have a * Tablet lined with *lawful* Wax, and not in a certain † *infamous villainous* Manner. All theſe Sollicitations are not really ſo much on Account of the Perſon of *Verres*, as becauſe he is intirely diſſatisfied with the whole Proceeding. For he is ſenſible, ‡ if the Practice of Impeachments ſhall be tranſferred from Boys of Quality, whom he has hitherto baffled, and from Pettifoggers, whom he has always juſtly contemned and undervalued, into the Hands of Men of Courage and Reputation, that he can then no longer dictate to the Courts.

But I muſt acquaint this Gentleman beforehand, if it is your Pleaſure that I ſhould ma-

* This Paſſage relates to the Manner in which the *Roman* Judges gave Sentence: If the Cauſe was of no great Conſequence, they had each a little Tablet of Wax, upon which they wrote, or were ſuppoſed to write, their Opinion by the Letter (A), if it was for Acquitting, or Abſolving: By (C) if for Condemning: And *(N. L.)* that is, *Non liquet*, if the Cauſe to them appeared doubtful; and they pronounced their Opinion *viva voce*; but, in more important Trials, they wrote it upon the Tablets, and delivered the Tablets unto the proper Officer, who put them into an Urn, and, after ſorting them, the Majority was declared.

† Here our Orator alludes to ſome Fact, no clear Account of which is tranſmitted to us: *Aſconius*, and the later Commentators, indeed, pretend to help us, but after all leave us in the Dark.

‡ This places our Author's Friend in no very amiable Light, ſince it inſinuates, that he had been very partial in his Practice at the Bar.

nage this Impeachment, that he muſt change his whole Method of defending, and yet alter it in ſuch a Manner, as to be more for his Intereſt and Reputation than perhaps he deſires. Let him then imitate *Lucius Craſſus*, and *Marcus Antonius*, whom he knew at the Height of Reputation, and who thought that the Intereſt of their Clients were to be ſupported in Court only by Honeſty and Eloquence. If I am the Impeacher, it ſhall go hard with me, if he ſhall have Reaſon to think, ſhould this Court be corrupted, that it is not at the great Peril of many.

In this Cauſe, my Lords, the *Sicilians* are but *Acceſſories*, the *Romans* are *Principals*. The *Sicilians* require that I ſhould cruſh one Villain, but the *Romans* demand that every Species of Villainy itſelf ſhould be exterminated and aboliſhed. How great my Abilities or Succeſs may be, I chuſe that others ſhould imagine, rather than I expreſs.

But, *Cæcilius*, * where are your Abilities? At what Time, or in what Cauſe have you given either a Proof of them to others, or even made Trial of them yourſelf? Do you ſeriouſly reflect upon the Difficulties of managing a pub-

* Our Author, in all this Picture of *Cæcilius*'s Defects, draws that of his own Perfections, by throwing out all that was excellent in him, and charging *Cæcilius* with not being Maſter of the ſame Excellencies.

a public Impeachment; in laying open the whole Courſe of another's Life; and of fixing it not only in the Minds of the Judges, but painting it to the Eyes and Imagination of all Men? Of pleading for the Safety of our Allies; for the Rights of Provinces; the Force of Laws, and the Dignity of Juſtice? Unpractiſed in Pleading as you have hitherto been, learn from me, how many Qualifications muſt meet in the Man who impeaches another, and, if you are conſcious you poſſeſs any one of them, for my Part I will yield the Cauſe with Pleaſure. Firſt then *Integrity*, and *unſpotted Innocence*; for nothing can be more abſurd, than that a Man ſhould impeach the Morals of another, and yet be unable to vindicate his own.

I WILL make no particular Application of this to you. One Thing I believe is evident, that the *Sicilians* are the only People who have had the Opportunity of proving you; and theſe to a Man declare, that, exaſperated as they are at *Verres*, were you to be his Accuſer, not one of them would be preſent at his Trial. The Reaſon of this Refuſal I ſhall not unfold; but it is plain, they ſuſpect you to be deficient in ſome one eſſential Qualification of a Proſecutor. Perhaps, as they are a ſuſpicious ſhrewd Sett of Men, they do not imagine that you

would be very forward in bringing from *Sicily* Credentials againſt *Verres*. For as the Tranſactions of his Prætorſhip, and your Quæſtorſhip, are filed in the ſame Regiſters, they ſuſpect that you incline to ſecrete them.

In the next Place, a Proſecutor ought to have a determined Reſolution, and an honeſt Intention: Such a one, tho' I thought you deſired to be, yet I can eaſily perceive that you cannot be. Nor do I mention thoſe Circumſtances, which if I were to mention you could not deny: Such as that, before you left *Sicily*, you was reconciled to *Verres*; that *Potamo*, your Secretary and Companion, remained with *Verres* in the Province when you departed; that *Marcus Cæcilius*, your Brother, a Youth of great Accompliſhments and Merit, was not only not preſent and not aſſiſting in proſecuting your Injuries, but that he lived in Familiarity and Friendſhip with *Verres*. There are likewiſe a great many other Preſumptions of your Confederacy with the Impeached in this Proſecution, which I ſhall omit at preſent, and only obſerve that, were you never ſo ſincere, yet you are not a real Proſecutor. For I perceive a great many Crimes in which your Guilt is ſo much complicated with that of *Verres*, that you would not dare to touch upon them in your Impeachment.

All

All *Sicily* complains that *Verres*, when he had ordered his Granaries to be filled, and Corn was at two Sexterces the Bushel, extorted Money of the Farmers at the Rate of twelve. This Abuse was enormous; the Extortion, unconscionable; the Robbery, barefaced; the Injury, intolerable. Were this his only Crime, I must needs condemn him.

CÆCILIUS, how do you intend to behave? * Will you make this an Article of your Prosecution or not? If you lay it in your Impeachment, do you not charge another with a Crime, of which you yourself was guilty at the same Time, and in the same Province? Will you venture to accuse another in such a Manner as that you cannot help bringing yourself in guilty with the same Breath? If you overlook it, of what Nature must that Impeachment be, which, for Fear of your personal Danger, avoids even the very Mention of a notorious, of an infamous Fact?

By Order of the Senate, † a Quantity of Corn

* This is a very weighty Argument: For *Cæcilius* as Quæstor, instead of being a Check, as he ought to have been upon *Verres*, appears to have shared his Plunder.

† *Sicily* gave, without making any Bargain, one Tenth to the *Romans*; but another tenth Part was bought of them, for which, by a Decree of the Senate, they were to receive Money.

Corn was bought from the *Sicilians* during the Prætorſhip of *Verres*, and they never received compleat Payment; this is a material Point againſt *Verres*, if urged by me, but inſignificant if by you. For you was then Quæſtor, and had the *Fingering* of the public Money; in which Event, though the Prætor had demanded it, it was in a great meaſure in your Power to prevent any Abatement. This is another Article of Accuſation, which, if this Impeachment were managed by you, muſt be ſtifled. Even his greateſt, his moſt notorious Frauds and Inſolence, muſt paſs unnoted in the Trial. Believe me, *Cæcilius*, that a Confederate with the Perſon who is impeached, is an improper Hand to manage a Trial, which is to procure Satisfaction for our injured Allies.

THE Farmers of the Revenue extorted Money from the Cities inſtead of Corn; was this an Impoſition peculiar to the Prætorſhip of *Verres?* No; it obtained likewiſe under the Quæſtorſhip of *Cæcilius:* How then can you charge him with a Crime, which you both could and ought to have prevented? Will you ſtifle the Whole of that Article? Then *Verres* ſhall hear nothing in his Trial, of what, while he was committing, he knew he could not defend.

BUT

But all the Facts I have mentioned are flagrant and notorious, there are others of a more ſcandalous, and of a more ſecret Nature; in which *Verres*, in order I ſuppoſe to allay the Warmth and Heat of *Cæcilius*, generouſly * ſhared with his Quæſtor. You are conſcious that I am informed of all theſe: If I had a Mind to expoſe them, I could convince all the World that you not only was confederate in his Guilt, but that ſome Part of your Plunder remains yet to be divided. Therefore, if you, *Cæcilius*, demand to be admitted an Evidence as to theſe dark Tranſactions, I ſhall not oppoſe it, if the Laws admit you; but the Impeachment you muſt leave to thoſe who are prevented by no Stains in their own Character, from expoſing and detecting them in another's.

Now conſider what a Difference there muſt be between my Management in this Impeachment and yours. I am to bring into my Charge againſt *Verres* Crimes, committed by you without his Knowledge, and wherein he had no Concern; becauſe, though he had the ſupreme Command, yet he did not prevent them; you will charge him with Facts of which he is innocent,

* *Cicero* here ſuppoſes, that *Verres* and *Cæcilius* had been ſo connected by their Villainies, that thoſe of the one could not be diſcovered without bringing to Light thoſe of the other alſo.

nocent, lest some Part of your Confederacy with him may be detected. How, Sir, do you answer this? Are Facts indispensably material in so important a Trial to be slurred over? Shew me your Abilities for managing the Prosecution? Shew me your Practice in Pleading? Shew me that you have either Capacity or Experience, as a Manager, as an Orator, or as a Lawyer?

I KNOW what a rugged, what a ticklish Path I tread, for all Arrogance is disagreeable; but that on Account of Wit and Parts is most so. Therefore I neither will nor can say much in Favour of mine. It is enough for me that I have a Reputation. How slender soever it is, matters not, nothing I shall say of myself can raise it.

As for you, Sir, I will drop this Affair, and treat you not as a Rival but a Friend. Consult then your own Breast seriously; recollect yourself, reflect upon what you are, and upon what you can do. Do you imagine that you are equal to the Importance and Difficulty of supporting the Interest of our Allies, the Fortunes of a Province, the Rights of the *Roman* People, the Majesty of the Laws, and the Dignity of the Legislator? Do you imagine that you have Eloquence to plead, Memory to retain,

Wisdom

Wiſdom to direct, and Capacity to comprehend the extenſive and complicated Points that muſt ariſe in this Proſecution?

Do you imagine that you can diſtinctly point out every Tranſaction of *Verres*, as * Quæſtor, as † Commiſſioner, as Prætor, at *Rome*, in *Italy*, in *Achaia*, in *Aſia*, and *Pamphylia*, ranging them in your Pleading under proper Heads, as to Time and Place? Do you imagine that you are equal to what is indiſpenſably neceſſary in Caſes of this Nature; that is, to repreſent the Effects of the Luſt, Avarice, and Cruelty of the Criminal, ſo as to be as deteſtable to thoſe who hear them, as they were to the unhappy Objects who felt them?

Believe me, Sir, theſe are Things of great Importance; and by no Means to be overlooked: Every Circumſtance muſt be laid down, proved and explained. The Charge muſt not only be opened, but inforced with great Dignity and Command of Expreſſion, and if you expect to ſucceed, it is not enough that you are barely heard; you muſt convince the Reaſon, you muſt move the Paſſions of Mankind. Tho' you were indebted to Nature for many Qualifications;

* *Verres* had been *Carbo*'s Quæſtor, in the Conſular Province.

† He had likewiſe been *Dolabella*'s Commiſſioner in *Aſia*.

cations; though in your Youth you had learned, and in your Manhood had improved upon, every Art and every Science; though you had read *Greek* * at *Athens* inſtead of † *Lilybæum*, and *Latin* at ‡ *Rome* inſtead of *Sicily*, it would however be a prodigious Effort of Genius, if you could compaſs, by Application, an Affair of ſo great Importance and Expectation, comprehend it in your Memory, explain it by your Eloquence, and recommend it by the Beauty of a fine Voice and ſpirited Action.

You will, perhaps, ſay, So! then it ſeems all theſe Qualities meet in you. I wiſh they did; however, I have earneſtly endeavoured from my Childhood to attain them. But if, by Reaſon of their Weight and Difficulty, I, who have made it my ſole Buſineſs all my Life, have been unable to ſucceed, how muſt you be at a Loſs, who not only never thought of them before, but, now that you are embarked in them, are ignorant both of their Nature and Importance!

I HAVE had, and I appeal for the Truth of what I ſay to all preſent, ſo much Practice in Pleadings

* The Sciences then flouriſhed at *Athens*, and the *Greek* Language was ſpoke with more than ordinary Purity.

† *Lilybæum* is one of the three Promontories of *Sicily*, lying towards *Lybia*.

‡ *Cicero* here ſneers at *Cæcilius*, who choſe to learn both *Greek* and *Latin* in *Sicily*, where both Languages were much neglected, and little uſed.

Pleadings and Trials, that few or none of my Cotemporaries of equal Years have appeared in more Cauſes; I have dedicated every Hour I could ſpare from the Duties of Friendſhip, to render myſelf completely Maſter of theſe Studies, and to acquire a Habitude of Pleading, and a Readineſs of Expreſſion; yet, may Heaven never be merciful to me, as often as I reflect upon the Day when I am * to appear at the Bar for the Impeached, if I do not feel not only great Weight upon my Spirits, but a Trembling in every Joint of my Body.

I now figure in my own Mind the Sentiments and Conſultations of the Public; to what a Pitch the Importance of this Trial will raiſe their Expectations; what a numerous Aſſembly the Infamy of *Verres* will ſummon together on this Occaſion; and in ſhort, what an Attention my Recital of his Villainies muſt beget. A Reflection on all this puts me at this Inſtant under the utmoſt Concern, how I ſhall deliver myſelf with a Dignity ſuitable to the Importance of the Occaſion, the Expectations of the Public, or the Injuries of thoſe whom Oppreſſion has rendered his Enemies.

These, Sir, are Conſiderations that give you no Concern, no Apprehenſion, no Trouble; if you

* The Original has it, *Reo Citato*; i. e. *upon a Trial.*

you can learn by Rote from ſome antiquated Oration, * I PROTEST, MY LORDS, or, MY LORDS, I HUMBLY APPREHEND, or ſome ſuch Common place Expreſſions, you imagine you come completely prepared for a Trial. And, even were you to meet with no Oppoſition, I apprehend you would be uncapable to ſtate the Nature of the Cauſe.

Now you don't even reflect that you are to enter the Liſts with a Man of Eloquence, and one who is every Way prepared for his Defence; one with whom you muſt go through every Weapon of Oratory; and uſe every Art, ſometimes to move the Paſſions, ſometimes to convince the Underſtanding; one whoſe Capacity I praiſe without dreading, and whoſe Eloquence I commend, without thinking it can impoſe upon my Judgment, though it charms me to Attention. His Meaſures ſhall never diſconcert, his Arts ſhall never pervert me; nay, he never will attempt to ſhake or weaken my Reſolution by his Abilities; for I know every Turn, every Quirk of the Gentleman's Pleading; often have we been on a contrary, often on the ſame

* In this Paſſage *Cicero* laughs at *Cæcilius*, whom he ſuppoſes to be ſo wretched an Orator, as to believe that he had acquitted himſelf handſomely, if he had made Uſe of any of the Common-place Phraſes of the Lawyers. I have here taken the Liberty of uſing the Phraſes of our *Engliſh* Lawyers, inſtead of thoſe uſed by the *Romans*.

ſame Side. While he pleads againſt me, he ſhall be convinced his Abilities, great as they are, ſhall receive ſome Trial in the Competition.

As for you, *Cæcilius*, I imagine, I perceive in what Manner he would amuſe and puzzle you in every Argument. When he ſhall bring you into a Dilemma, and leave you either to admit or deny the Fact; to agree or object to a Propoſition, whatever Side you take, you ſhall ſtill find it make againſt you. Immortal Gods! What Confuſion! What Perplexity! What Doubts muſt the good Man fall into, when his Antagoniſt ſhall begin to digeſt the different Heads of his Accuſation, and to * arrange upon his Fingers the principal Points of his own Defence! How muſt you be ſtaggered when your Adverſary ſhall ply you with his Proofs, his Definitions, and Diviſions; how will you then begin to ſuſpect that you have been perſecuting an innocent Perſon! How will you look when he ſhall begin to commiſerate, to extenuate, and to throw upon you ſome Part of the public Odium that now lies heavy on *Verres!* When he ſhall mention the Relation between the Offices of *Quæſtor* and *Prætor*;

* *Cicero* here carries his Raillery againſt *Cæcilius* ſo far, as even to laugh at *Hortenſius*, who numbered the Heads of his Defence upon his Fingers; a very ſhrewd ſucceſsful Way of rendering a great Man ridiculous.

Prætor; the Practice of our Anceſtors, and awful Award of the Provincial Lot. Are you equal to that Load of Reproach? Conſider, reflect again and again; for to me there appears great Danger not only of his confounding you with his Pleading, but of his juggling you out of your very Senſes by his Action, and thus driving you from every Purpoſe, from every Reſolution you had formed.

But I perceive we are ſoon to have a Trial of your Abilities, by your Attempts to anſwer what I have now advanced. If you do that to Purpoſe; if you *deviate* into one Word of Senſe not contained in that Book, which ſome School-Maſter has vamped up from pilfered Pleadings, and put into your Hands, I ſhall then be inclined to admit that you may not be quite ſo unequal to this Trial, and that it is poſſible you may acquit yourſelf tolerably well as the Proſecutor of *Verres*. But if in this Prelude with me, you ſhall be found Nobody, how can we imagine you will acquit yourſelf againſt a keen Adverſary in the Engagement itſelf?

But admitting that this *Cæcilius* is Nobody, that he can do nothing, yet that he comes prepared with ſkilful, * expert Sollicitors. This indeed

* The Sollicitors were thoſe who aſſiſted the Accuſer to manage

indeed is ſomewhat, but not all: For, in all Caſes, the Perſon, who is to make the principal Figure, ought of himſelf to be both very eloquent and very ready. Yet, I perceive, that * *Lucius Apuleius* is his firſt Sollicitor, a Man, not a Novice in Life, but ſo in the Buſineſs, and in the Practice of the *Forum*.

His next Sollicitor, I think, is † *Allienus*, but him he has taken from the Forms. What Qualifications he may have in ſpeaking I never was at Pains to enquire, but he ſeems to have Strength and Lungs proper for Bawling: In him are all your Hopes; he, were you appointed the Proſecutor, will manage the whole Trial, and yet not even he in Pleading will exert his utmoſt Abilities, but conſult the Decency proper to your Character, by checking ſome Part

manage the Accuſation; and none were allowed to take the Office upon them, till they had received a Power of ſo doing from the Judges.

* Who this *Lucius Apuleius* was, we have no Accounts that can be depended on; only this much we may conclude, from *Cicero*'s Words, that he was both an old Man and a bad Orator.

† This *Allienus* was only concerned in petty Trials, and puny Caſes; for, according to *Nonius*, the Tribunes, the Quæstors, and inferior Judges, ſat on Forms, or *Subſellia*, and not in the *Sellæ Curules*, or the *Roman* Chairs of State. Our Orator here plays a good deal upon Words, and throws out ſome Puns upon the Names of his Antagoniſt's Managers; particularly of *Allienus*, *i. e.* STRANGE; a poor Art of amuſing a Bench; but it would appear from ſeveral Paſſages in *Cicero*, that it was often ſucceſsful.

of his Eloquence, that you may appear somewhat considerable. Thus we have known the *Greek* Actors, who were to play an inferior Character, and had Advantages in Action over those who were to have the first, conceal a good deal of their Art, that the principal Parts might appear with greater Propriety. Such shall be the Conduct of *Allienus*, he will act an underling Part of yours, he will set off all your Charms, nay, to serve you, he will sink some Part of his rhetorical Faculties.

THEREFORE, my Lords, consider what Prosecutors we are to have in this great Trial: Since *Allienus* himself is about to suppress some Part of his Talents, if he has any, and *Cæcilius* hopes to appear considerable only, if *Allienus* appear less zealous, and leave him to act in the principal Character. Who is to act as the fourth Character in this Farce, I know not. Perhaps some one of these Pettyfoggers who solicit Employment under the Prosecutor; no Matter to them who he is, *Cæcilius* or *Tully*.

YET, these are the Gentlemen, who, though they are but Guests and Strangers themselves, have furnished you with an elegant Entertainment to the Public. I shall not do them the Honour to take particular Notice of what each of them shall advance in his Turn. By this short

ſhort Method, ſince I mentioned them with no Deſign, but by Chance as they fell in my Way, I ſhall pleaſe them all. But do you imagine that I am ſo deſtitute of Friends as to be obliged to accept of a Sollicitor, not from amongſt thoſe who now attend me, but from the Dregs of the People? And are you ſo deſtitute of Clients, as to endeavour to wreſt this Proſecution out of my Hands, rather than enquire after ſome criminal Client of your own Rank from the * *Mænian* Column?

LET me, ſays he, be a † Spy upon *Tully*. A Spy, Sir! How many muſt I be obliged to keep in Pay, ſhould you find Acceſs to my Cabinet? It is not your Tongue only, but your Fingers that are to be watched. But my Opinion of all this Race of Spies is, in one Word, that ſuch Men as this Court is compoſed of will never force a Spy upon me in a Cauſe, undertaken by, and entruſted to me. For my Honeſty

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* The *Mænian* Column ſtood in the *Forum*: At it Thieves, or Servants who had been guilty of ſome Fault, were puniſhed by the *Triumviri*. At it Impeachments were laid againſt the leſs notorious Offenders; and it was frequented by the moſt profligate and abandoned Sett of Wretches. It was called the *Mænian Pillar*, becauſe, when *Mænius* ſold his Houſe to *Cato*, that the *Baſilica* might be built where it ſtood, he reſerved for himſelf and his Poſterity one Pillar, as a Place where the public Shows might be ſeen.

† It was cuſtomary among the *Romans*, to ſet Spies upon the Accuſers, that ſo they might not have an Opportunity of being corrupted or bribed; of theſe Spies the Accuſed had the Nomination.

nesty disdains a Spy, and my Diligence daunts an Informer.

But to return to you, *Cæcilius*: You must surely be sensible under how many Defects you labour. You surely know how many Qualifications you have to recommend you to the Criminal as an Accuser. What Answer can be made to this Objection? I do not ask what Answer *you* can make; for it appears to me that it is not from you, but from the Book which your Prompter holds in his Hand, that we are to expect an Answer; but, if he prompts you seasonably, he will advise you to be gone from this Place without attempting to answer me one Word. For what can you alledge, but the threadbare Story, That *Verres* has injured you? I grant he did; because it is highly improbable that you should be the only Person of the whole Province of *Sicily*, unaffected by the Injuries of *Verres*.

But your Countrymen found out an Avenger of their Wrongs. You, while you vainly endeavour to have Satisfaction for the Injuries you suffered, labour that those which he inflicted on others shall pass unpunished and unrevenged; nor do you perceive that it is not the *Right* only, but *Power* to punish, that is considered. Where both these meet in one Person,

he

he certainly is preferable; but where the Competition lies between two, who each have but one of these Recommendations, the Choice naturally falls on him who has most Power, not on him who has the best Will.

But, if you are of Opinion, that he who has received the greatest Wrong has the best Right to carry on the Prosecution, do you imagine that these Judges will resent the Wrongs done to your single Person, equally with those inflicted on an oppressed and plundered Province? I believe yourself will allow that these are vastly more flagrant, and more apt to rouse Resentment in every Breast. Suffer then a whole Province to have the Preference to you in this Prosecution; for the whole Province accuses, when the Person whom the Inhabitants have chosen as the Asserter of their Properties, the Avenger of their Wrongs, and the Advocate for their Rights, is the Manager of the Impeachment.

But you urge that *Verres* has done you an Injury sufficient in its own Nature to interest others in your Quarrel. This I deny, and I think it is very material that the Nature of the Injury, as well as the Grounds of your Resentment should be expressed. Then, my Lords, learn it of me; he, alas! is incorrigibly stupid,

if you can ever learn it of him. There was at *Lilybæum* a Lady named * *Agonis*, infranchiſed from the Service of † *Venus Erycina*, and before his Quæſtorſhip ſhe was in eaſy, plentiful Circumſtances. One of ‡ *Antony*'s Officers violently carried off ſome Muſic-Servants belonging to her, under a Pretence that he was to employ them on board the Fleet. The Lady then, as is common to all who attend, or are infranchiſed from the Service of *Venus* in *Sicily*, urged to the Captain the Awe and Authority of *Venus*, and that ſhe and all her Eſtate were the Property of that Goddeſs. When this was told to the § virtuous, diſintereſted *Cæcilius*, he ordered *Agonis* to be ſummoned before himſelf, and inſtantly cauſed it to be || tried whether ſhe had ſaid that her Perſon and Eſtate belonged to *Venus*. The Delegates immediately, as they were obliged to do, becauſe Nobody diſputed the Fact, gave their Verdict

* Of this *Agonis* we have no Account in Hiſtory that can be depended upon; but we are at no great Loſs upon that Account, ſince *Cicero* is ſo particular upon this Head, that we cannot poſſibly miſtake his Meaning.

† *Eryx* was a very high Hill in *Sicily*, on the Top of which *Venus* had a Temple, and on this Account ſhe was ſtiled *Venus Erycina*.

‡ The *Antony*, here ſpoke of, was appointed to protect the Sea Coaſts before the War with the Pirates; but, having declared againſt the *Cretans*, he unfortunately periſhed by ſome Piece of bad Management.

§ That this Paſſage is ironical, the Reader cannot fail at firſt View to perceive.

|| It belonged to the Prætors and Quæſtors of the Provinces, to appoint Judges in private Cauſes; but the Quæſtor alone could not do it, without a delegated Power from the Prætor.

dict that the Lady had ſaid ſo. The Quæſtor upon this puts the Plaintiff into Poſſeſſion of her Fortune; adjudges her in her Perſon to be the Slave of *Venus*; then ſells her Eſtate, and puts the Money into his own Pocket. Thus, while *Agonis* wanted to preſerve a few Slaves under the Sanction and Service of *Venus*, the Injuſtice of this Man ſtripped her of all her Fortunes and Liberty. *Verres* afterwards comes to *Lilybæum*, takes Cognizance of the Fact, reverſes the Decree, and obliges the Quæſtor to refund to the Lady all the Money which aroſe from the Sale of her Eſtate. I ſee you are ſurprized, but *Verres* was not then a *Verres*, but a * *Mutius*. For what could he do, that could be more agreeable in the Eyes of Mankind, more ſuitable to the Diſtreſs of the Lady, or more vigorous againſt the Corruption of his Quæſtor? Theſe, to me, are all amiable Qualities; but *Verres* all of a ſudden, and on the ſpot, as if he had taſted an † inchanted Cup, ſinks into a true ‡ *Verres*. He gives Way to Na-

* *Cicero* means *Mutius Scævola*, a Man of untainted Honour, and known Goodneſs; who, for the Space of nine Months, governed *Aſia* ſo much to the Satisfaction of the Inhabitants, that they kept a Day in Honour of him, which they called the *Dies Mutia*.

† In the Original it is *Circes Poculo*, or that Cup given by *Circe* to her Gueſts; after a Draught of which ſhe touched them with her Rod, and changed them by that Means into Swine; but, being beſmeared with a certain Ointment, they were reſtored to their wonted Form.

‡ Here *Cicero* childiſhly plays upon his Antagoniſt's Name: *Verres*, as we before obſerved, ſignifying an uncaſtrated Hog.

Nature and Education, he ſweeps a large Share of that Money into his own Pocket, and returns to the Lady any little Pittance which he thought proper.

HERE, if you ſay that you ſuffered by *Verres*, I ſhall admit and own it; but, that you was *wronged* by him, I diſpute and deny. In the next Place, none of us have any Call to proſecute this Injury with more Keenneſs than yourſelf, who pretend to be the Sufferer. If you afterwards came into his good Graces; if he ſometimes ſupped with you, and ſometimes you with him, whether do you chuſe to be thought a * *Rogue* or a *Shuffler*? One of them you muſt be, I will not differ with you about the Alternative, you may chuſe which you will.

BUT, if not the leaſt Proof of the Injury you alledge can be produced, what can you ſhew, what can you plead, why you ought to have the Preference, as the Accuſer, not only to me, but to all Mankind, other than, as I hear you are

* In the Original it is *Perfidioſus vel Prævaricator*: The *Perfidioſus*, which I have tranſlated *Rogue*, ſignified among the *Romans*, one who pretended to be a Friend, when he was indeed an Enemy. The *Prævaricator*, on the other Hand, which I have rendered the *Shuffler*, ſignifies one who pretends to be an Enemy, when at Bottom, and underhand, he was a real Friend.

are prepared to do, that you was his Quæstor? This, indeed, would be a material Circumstance in your Favour, were we contending who should most befriend him: But, as our present Dispute is upon the Preference of the Right to prosecute, it is ridiculous to pretend that Friendship is a good Reason for your appearing as his Enemy.

ADMITTING that his Wrongs to you had been reiterated, yet still was it more meritorious to suffer, than to revenge them. But, as no Action in all his Life was more consistent with Justice, than that which you term an Injury, will this Court find that this, which, even in an unexceptionable Prosecutor, would not be allowed, should be a just Ground for your violating the Relation you stand in with him? Admitting he has wronged you, heinously wronged you, your impeaching the Man under whom you was Quæstor is *shameful*; and, if he has not wronged you, *villainous*. Therefore, as the Wrong you have suffered is by no means evident, must not every Judge in Court incline that you should depart without Blame rather than with Infamy?

BUT see the Difference between your Way of Thinking and mine. You, though inferior in

in every other Refpect, imagine that the fingle Circumftance of being his Quæftor intitles you to be preferred to me. But I think that, were you better qualified in every other Refpect, this very Circumftance is a juft Ground of Exception. For it is a Doctrine tranfmitted to us from our Anceftors, that the Prætor is in Place of a Parent to his Quæftor; that no Relation can be more binding, more interefting than a Conjunction in Office, than the common Difcharge of a public Duty, at the fame Time, and in the fame Province.

THEREFORE, though confiftent with Law, you could profecute him, yet you cannot, confiftent with Piety, becaufe of your filial Ties. But, as he never did you Wrong, if you impeach your Prætor, then muft you acknowledge that your Enmity, is, on your Part, unjuft and deteftable: For the Nature of your Office, as Quæftor, requires this of you, that you fhould labour to give a Reafon why you, who was his Quæftor, fhould accufe him, and not that for that very Reafon you ought to have the Preference in accufing him. Nor is there fcarcely an Inftance of a Caufe of this Kind brought by a Quæftor, which was not rejected.

THUS

THUS **Lucius Philo* was excluded from prosecuting *Caius Servilius*; *Marcus Aurelius Scaurus*, *Lucius Flaccus*; and *Cneius Pompeius*, *Titus Albutius*; not one of these was excluded on Account of Insufficiency, or Immorality, but lest the wanton Dissolution of a sacred Tie might receive a Sanction by the Sentence of a Court. Yet this very *Cneius Pompeius* had the same Plea against *Caius Julius*, that you now have against me. He had been Quæstor to *Albutius*, as you to *Verres*. *Julius* strengthened his Plea with this Circumstance, that he was sollicited by the *Sardinians*, in the same Manner as I am now by the *Sicilians*, to impeach. This Circumstance has always had decisive Weight, it was always thought a glorious Proof of an Accuser's Integrity, when, for the Allies of *Rome*, for the Good of a Province, and the Advantage of a distant People, he created Enemies to himself; when for them he exposed himself to Danger, and interposed with all the Abilities, with all the Zeal, and with all the Application he was Master of, in their Behalf.

FOR if an Action is justifiable when brought by a Man, in order to redress the Injuries he suffers,

* There were two Men in *Rome* of this Name, the one Prætor, and the other Quæstor, who, in all Probability, was the Man here meant by *Cicero*. The others, mentioned in the subsequent Lines, are too well known to need any Description.

ſuffers, in which Caſe he ſeeks Relief not to his Country, but to himſelf, how much more glorious, how much not only more juſtifiable, but meritorious, is the Action brought upon no private Injury, but to redreſs the Wrongs, and alleviate the Anguiſh of the Allies and Friends of *Rome!* Lately, when * *Lucius Piſo*, a Man of the greateſt Courage and Innocence, moved for an Information againſt † *Publius Gabinius*, he was oppoſed by ‡ *Quintus Cæcilius*, under a Pretence that he was proſecuting him upon an old Grudge. The Cauſe of *Piſo* was found to be as juſt and honourable as his Perſon was reſpectable and amiable, becauſe the § *Achæans* had adopted him their Protector.

As, in Favour of the Allies and Friends of *Rome*, a Law was paſſed relating to Extortion, it is unreaſonable to ſuppoſe that the Man, whom theſe Friends and Allies point out as the Manager of their Concerns, and the Protector of their Intereſt, is not a proper Proſecutor in an Impeachment founded on that Law. Ought not

* This *Lucius Piſo* was by Profeſſion a Lawyer, and, when Tribune of the People, enacted a Law relating to Extortion.

† This *Publius Gabinius* had the Government of *Aſia* ſometime before this.

‡ It will be neceſſary to inform the Reader, that the *Quintus Cæcilius*, here ſpoken of, is not the ſame with him who ſought a Right of accuſing *Verres*.

§ The *Achæans* was a Name for the *Greeks* in general; but is here only taken for the Inhabitants of *Pontus*, who accuſed *Gabinius* of Extortion.

not the Motives of a Proſecutor greatly to increaſe the Weight of his Evidence? And ſhould not the Man, who has the moſt honourable Motives, be preſumed to have the moſt equitable Proofs?

THEN which of theſe Allegations is the moſt illuſtrious and honourable: *I accuſe the Man to whom I was Quæſtor, the Man with whom I was connected by Fate, by the Laws of my Country, and by every Decree of God and Man:* Or, *I impeach at the Inſtance of my Friends and Allies, at the Requeſt of a whole Province, whoſe Rights and Properties I defend?* Can a Doubt remain, that it is not more honourable to impeach at the Requeſt of the People, among whom you was Quæſtor, than to impeach the Man whoſe Quæſtor you was?

THE beſt Men, in the * beſt Ages of *Rome*, have ever deemed the faireſt and moſt diſtinguiſhing Part of their Character to conſiſt in redreſſing the Wrongs, and aſſerting the Properties of Strangers, of their own Vaſſals, and of *foreign* Nations, Allies, and Tributaries of *Rome*. It is recorded, that the virtuous, the wiſe, and illuſtrious † *Cato* created many powerful

* *Cicero* here points at thoſe Times when Honeſty was univerſal in the Republic, and Extortion ſo little known and practiſed, that there was not ſo much as a Law againſt it.

† This *Cato* accuſed *Sergius Galba*, for plundering the Inhabitants

erful Enemies on Account of the Injuries done to the *Spaniards*, amongſt whom he had been while Conſul. We all know, that * *Cneius Domitius* lately impeached *Marcus Silanus*, on Account of the Wrongs inflicted on a ſingle Perſon, one *Ægritomarus*, the Friend and Gueſt of his Father.

AND indeed nothing ſtrikes a greater Terror in the Guilty, than this Practice of our Anceſtors, now repeated and renewed after long Diſuſe: The Complaints of our Allies repreſented to a Man of ſome Activity, and their Redreſs undertaken by a Perſon, who ſeems to be able to defend their Properties with Zeal and Honeſty.

THIS is what theſe Gentlemen dread, and therefore oppoſe. It is a Principle, they are ſorry ſhould ever have been broached, and more ſorry ſtill to ſee it practiſed. They think, that, ſhould this Cuſtom inſinuate and prevail, Law and Equity muſt paſs through the Hands of Men

bitants of *Luſitania*, the third Part of ancient *Spain*, and by this Accuſation procured a great many Enemies to himſelf. He likewiſe, at their Inſtances, accuſed *Publius Furius*, for ſetting an immoderate Price upon Corn.

* This *Domitius* accuſed *Marcus Silanus*, a Man of Conſular Dignity, on Account of ſome Injuries he had done to one *Ægritomarus*, of whom we have no other Account than what *Cicero* gives us in this Paſſage.

Men of Virtue and Courage, and not of ſuch beardleſs Boys and Pettifoggers as theſe.

OUR Fathers and Forefathers were not aſhamed of this Principle, or of this Practice, when * *Publius Lentulus*, then the † Head of the Senate, with *Caius Rutilius Rufus*, his Sollicitor, accuſed ‡ *Marcus Aquilius*; or when *Publius Africanus*, a Man the moſt diſtinguiſhed of Mankind for Virtue, for Fortune, for military Glory and Succeſs, after he had been twice Conſul and Cenſor, impeached *L. Cotta*. *Rome* had then a Right to Glory and Proſperity; the Honour of this Empire, the Majeſty of this City, had then a Right to challenge Reſpect and Reverence. No Man was then ſurpriſed in the great *Africanus*, at the Things which they who bear me Spite pretend now to be ſurprized at in me, a Man of narrow Circumſtances, and ſlender Capacity.

* This was probably the Father of that *Lentulus Sura*, who was ſtrangled in Priſon for his being embarked in the Conſpiracy of *Catiline*.

† The Words of the Original are *Princeps Senatus*, who was choſen by the Cenſors, and was commonly the oldeſt of their own Number.

‡ This *Marcus Aquilius* was accuſed of Extortion by *Lentulus*, but defended by *Antony*, who drew aſide his Garment, and ſhewed the Scars of thoſe Wounds he had received for the Republic, in the War with the Slaves in *Sicily*.

WHAT does he mean, ſay they? Can the Man, who has ſtill been accuſtomed to defend, hope to ſucceed in impeaching, eſpecially at an Age when he is ſtanding for the * Ædileſhip? But I think it a Glory not only at my Years, but at a much more advanced Time of Life, to impeach the Wicked, and to relieve the Oppreſſed and Afflicted. And indeed either it is a Remedy for a † languiſhing and almoſt incurable State of a Government, corrupted and contaminated by the infectious Vices of a Few, that Men of Honeſty, Integrity, and Application, ſhould take upon them the Direction, and vindicate the Honour of Law and Equity: Or, if this is ineffectual, the Diſeaſe is too far gone, and too much complicated to admit of a Remedy.

NOTHING gives greater Strength to Government than that an Impeacher ſhould be as tender of his own Reputation, Honour, and Fame, as the Impeached is ſollicitous about his Life and Pro-

* The Ædileſhip was an Office of the ſecond Dignity in the *Roman* State; and none could bear it who were not arrived at the thirty-ſixth Year of their Age, which *Cicero* at this Time was.

† I have here uſed a very pardonable Liberty with the Original, which runs, *ægrotæ ac prope deſperatæ Reipublicæ:* The Republic was by the *Romans* ſaid to be *ægrota*, when ſhe ſwarmed with bad and wicked Members; and ſhe was ſaid to be *deſperata*, and *prope deſperata*, when ſhe was either altogether, or in a great meaſure cruſhed by them.

Property: Therefore the moſt jealous of their own Characters have ſtill proved the moſt keen and active Proſecutors of others. Thus, my Lords, you ought to think that *Quintus Cæcilius*, a Man of little or no Conſideration, from whom very little is expected upon this Trial, who has very little Reputation now to loſe, and but little Hopes of gaining any hereafter, will not manage this Impeachment with the Severity, the Accuracy, and the Diligence it requires; for if he ſhould fail he has nothing to loſe, if he is ſhamefully and ſcandalouſly foiled, yet ſtill will he retain all his native and acquired Honours.

Of me my Country has * many Pledges; Pledges, which I am called upon by every Tie to preſerve, to defend, to confirm, and to redeem. She has the † Honour for which I am now Candidate; ſhe has ‡ that Hope which gilds the future Proſpect of my Life; ſhe has a Reputation earned by my Sweat, my Watchings, and my Toils. If I acquit myſelf honeſtly and diligently in this Trial, then ſhall they be delivered up ſafe and unblaſted by my Country; but ſhould I trip, ſhould I fail in the leaſt

* *Cicero*'s Country had many Pledges of him on which he ſet a high Value; his Wife, his Children, his Relations, and his Friends.

† This Honour was the Ædileſhip.

‡ The Hope of the Prætorſhip, and Conſulate.

Circumſtance, then muſt in one Minute cancel the laborious and gradual Acquiſitions of a whole Life.

THEREFORE, my Lords, it remains for you to pitch upon the Man whoſe Honeſty, Diligence, Wiſdom, and Authority are moſt likely to anſwer the great and important Ends of this Proſecution. Should you prefer *Cæcilius* to me, I ſhould think it no Derogation to my Honour; but take Care, leſt the People of *Rome* ſhould think that this juſt, this ſevere, this keen Proſecution was neither agreeable to you, nor is ſo to your Order.

THE

ARGUMENT.

ARCHIAS, *by Birth of* Antioch, *by Profession a Poet, the Tutor, the Companion, and the Friend of* Cicero, *was accused before the* Prætor, *by one* Gracchus, *upon the Law by which every Man who was enfranchised in any of the confederate Cities, and at the Time of the passing the Law dwelt in* Italy, *was obliged to claim the Privilege before the* Prætor *within sixty Days.*

CICERO, *in the following Pleading, makes a faint Attempt to prove that* Archias *was, in the Sense of that Law, to all Intents and Purposes, a* Roman *Citizen; but lays the greatest Stress of his Argument upon the personal Merit of his Client, and the Dignity of his Profession, which, according to him, entitled him, though he had been an Alien, to the Privileges of a* Roman.

This is sufficient to give the Reader an Idea of the Occasion of the following Pleading, which happened in the 692*d Year of* Rome, *and the* 46*th of* Cicero's *Age.*

M. T.

CICERO's

ORATION

FOR

ARCHIAS.

IF, my Lords, I have any Capacity,* which I am conſcious is but ſlender; if I have any Experience in Speaking, in which I do not deny I have been moderately converſant; if I have any Art in this Buſineſs, which has been improved

* *Cicero*, from his conſummate Knowledge of human Nature, ſaw that nothing was ſo well calculated for gaining the Affections of an Audience to an Orator, and prejudicing them in his Favour, as a becoming Modeſty, when he made Mention of himſelf; He therefore mentions his own Abilities with a graceful Reluctance, and profeſſes his Senſe of their being but ſlender and ordinary. It were to be wiſhed, that this Modeſty had taken Place through all the reſt of his Works; if it had, the World would have looked upon him not only as a better Man, but a more finiſhed Orator; for Virtue and Modeſty, at leaſt the Appearance of them, have a ſurpriſing (I had almoſt ſaid an incredible) Influence on the Succeſs of an Orator.

proved by a regular * Application to the Study of the Arts, which I confess have ever pleased me through all Stages of Life, the Defendant, *A. Licinius*, has the chief Right † to claim the Fruit of all my Qualifications, of all my Abilities. For, as far as I can retrace the Scenes of Life, or collect the remotest Memory of my Childhood, he it was, who, in the Course of all my Studies, prompted my Application, and directed my Progress. If, therefore, my Tongue, filed by his Art, and tutored by his Precepts, ever relieved the Oppressed,

* *Cicero* was all along very keen in the Pursuit of Knowledge, and careful to make himself Master of those Branches of Learning which were known to the Age in which he lived. While a Youth, he applied himself to the Study of Philosophy, at *Rome*; and as he says himself, in his *Brutus*, his Thirst after Knowledge was so strong and insatiable, that he, of his own Accord, committed the Charge of his Education to *Philo*; a Circumstance, which not only discovered his Love of Learning, but, at the same time, the Goodness of his Taste; for *Philo* was at that Time as universally, as justly, admired. *Plutarch* relates of *Cicero*, that, even when a Child at School, his Genius was so surprizingly vast, and the Fame and Glory he had acquired among his School-fellows so great, that People were wont to visit the School, with no other View than that of seeing him. This Superiority of Genius, and unbounded Love of Learning, were all along distinguishing Parts of *Cicero*'s Character: For, even after he came to bear Offices in the Republic, his leisure Hours were scrupulously devoted to the Study of Philosophy; to which he likewise applied himself when the Orators had not an Opportunity of pleading, upon Account of the Republic's being embroiled by the Usurpation of *Cæsar*.

† *Archias* had been Præceptor to *Cicero*, who, when but a Boy, had such a Turn for Poetry, that he wrote his *Pontius Glaucus*, in Tetrameter Verse; which *Plutarch* says was extant in his Time.

my Duty, and my Gratitude direct me to do my utmoſt, in defending and aſſiſting the Man who formed it to defend my Fellow-Creatures, and to ſuccour others.

And here, leſt ſome ſhould be ſurprized at what I advance, as if the Turn of his Genius, his Eloquence, and his Studies, are quite different from mine, give me Leave to ſay, that I never wholly applied myſelf to the Study of Eloquence. For in all the liberal Profeſſions there is an intellectual Relation, a ſecret Charm, that, connecting the one to the other, combines them all.

Again, leſt any of you ſhould blame me for introducing in * a regular Proceeding, in a public Pleading, before a Prætor, the beſt of Men, and of Magiſtrates, before impartial Judges, in ſo full, ſo frequent an Aſſembly, a Stile unknown to the Forms of a Trial, † and inconſiſtent with the Practice of the Bar: I beg to be indulged in what I hope you will conceive to be a decent Liberty of Speech, by ſuiting

* The Words in the Original are *Quæſtio Legitima*, which, among the *Romans*, ſignified no more than a Caſe provided for by the Law, and in which any one had a Right to call the Delinquent to a Trial.

† This is very artful in *Cicero*; he knew that he had the worſt of the Argument, and therefore wanted to divert the Attention of the Judges by the Beauty of his Fancy; which, as it was unuſual to introduce in a public Proceeding, he here apologizes for it.

ſuiting it to the Circumſtances of my Client. In pleading for an excellent Poet, and a Man of Letters, ſurrounded, as I am, by a Crowd of learned *Romans*, encouraged by your Patronage of Arts and Sciences, and protected by ſuch a Judge, give me Leave to enlarge upon the Love of Learning and the Muſe, and to uſe an unprecedented Language in ſupporting the Character of a Man, whoſe *lettered Indolence* has ever been averſe to the Buſtle of public Life: Indulge me, I ſay, in this, and I will prove, my Lords, that, as *Archias* is a Citizen, he ought not to be disfranchiſed; nay, though he had the Misfortune of being an Alien, yourſelves ſhall own that he is worthy the Privileges of a *Roman*.

For, as ſoon as *Archias* ceaſed to be a Boy, and had bid adieu to the Studies that tutor the youthful Mind into the Love of Arts, his Genius led him to Poetry. His Capacity ſoon happened to diſtinguiſh him at * *Antioch*, the Place of his Birth, which was noble, and a City once eminent and wealthy, and fertile in Men of great Learning and true Taſte. Afterwards in his Progreſs through the other Parts of *Aſia*, and all over *Greece*, ſo much was he admired, that, though they expected more than what they had

* This City was the Metropolis of *Syria*, built according to *Strabo*, by *Seleucus Nicator*, and the Place of *Archias*'s Nativity.

had heard, yet did they not expect ſo much as they ſaw and experienced of his Genius.

ITALY was then full of the Profeſſors of the fine Arts and Sciences; they were more aſſiduouſly then cultivated even in *Latium*, than they now are in her Cities, and the public Tranquillity afforded them ſome Shelter even here in *Rome*. Therefore the Inhabitants of * *Tarentum*, *Rhegium*, and *Naples*, preſented him with the Privileges of their reſpective Cities, and other Marks of their Regard; and every Man, who had the ſmalleſt Diſcernment or Taſte, was proud to know and to entertain him. His *Fame* thus ſpreading to Places where his *Perſon* was unknown, he came to *Rome* under the Conſulate of † *Marius* and *Catulus*; to theſe he endeared himſelf. The Actions of ‡ *Marius* afforded the nobleſt Subject for Poetic Genius; and the || other not only deſerved to be the Theme, but actually was the Judge and Friend of the Muſe. Immediately the *Lu-*

* This was a City of *Græcia Major*, ſituated in *Calabria*, on the Sea Coaſt, and lying towards *Sicily* and *Naples*.

† Theſe two were Conſuls in the 651ſt Year after the Building of the City.

‡ The fourth Conſulate of *Marius* was then running, and he, having taken *Jugurtha*, routed the *Cimbrians*, the *Teutons*, and *Ambrones*, might well be ſaid to afford a worthy Theme to the Poets and Orators of his Time.

|| This other was *Catulus*, of whom *Cicero* makes very honourable Mention, in his Books *de Claris Oratoribus*, and *de Oratore*.

* *Luculli*, while *Archias* was but ſeventeen Years of Age, invited him to their Houſe. But, my Lords, it was the Virtues of the Heart, and Humanity of his Nature, as well as the Charms of his Muſe, and the Brightneſs of his Genius, that recommended him to a Family, where he both ſpent his early Youth, and grew grey in the Practice of every ſocial Virtue.

He was in theſe Days enjoyed by † *Marcus Metellus Numidicus*, and his ‡ Pious Son, admired by § *M. Æmilius*, familiar with the elder and the ¶ younger *Catulus*, courted by ** *L. Craſſus*, and ſo endearingly intimate was he with the *Luculli*, †† *Druſus*, the ‡‡ *Octavii*, * *Cato*,

* Theſe were two Brothers, *Lucius* and *Marcus Lucullus*: *Lucius* triumphed over *Mithridates* and *Tigranes*; and *Marcus*, his Brother, over *Macedonia*. *Plutarch* relates of *Lucius*, that he had a large and well choſen Library, which was always open to Men of Learning.

† This *Metellus* got the Sirname of *Numidicus*, becauſe, when he was Conſul, he routed *Jugurtha* in two pitched Battles, and laid waſte all *Numidia*: According to *Plutarch*, he was Uncle to the *Luculli*.

‡ This *Metellus*, the Son of *Metellus Numidicus*, is ſirnamed *Pious*, becauſe, by his Prayers and Intreaties, he procured his Father's Return from Baniſhment.

§ *Æmilius Scaurus* was at that Time Head of the Senate, and a Man of great Authority in *Rome*.

¶ *Quintus Catulus* was an Orator and Conſul.

** *Lucius Craſſus* was a great Orator, as we may learn from a Paſſage of *Cicero de Oratore*, where he is introduced as ſpeaking.

†† This *Druſus* was the Uncle of *Marcus Cato*; and, according to *Velleius Paterculus*, he was Tribune of the People, and was ſlain at Home, in the Beginning of the Social War.

‡‡ In *Rome* there were three *Octavii*, *viz.* *Cneius*, who was Con-

* *Cato*, and all the *Hortenſian* Family, that they thought no Expreſſion of their Regard for him too great. Thus, an Acquaintance with *Archias* grew in ſome Senſe to be a *Faſhion*, and courted not only by Men of Taſte and Diſcernment, but by thoſe who were blind to all his Beauties, and ſought Reputation by pretending a Regard for his Profeſſion.

HAVING lived long in this Manner, he † went to *Sicily* with *L. Lucullus*, and, having left that Province in the ſame Company, he came to ‡ *Heraclea*, which being a City joined with *Rome* by the § ſtricteſt Faith and Friendſhip, he expreſſed his Deſire of being enfranchiſed

Conſul, in Conjunction with *Cinna*, by whom he was baniſhed from the City, when attempting to introduce ſome pernicious Laws. Another *Cneius*, not deſcended of the ſame Father, who was *Curio*'s Colleague in the Conſulate. And *Lucius*, the Brother of *Cneius*, who was Conſul in Conjunction with *Cotta*.

* This was the Father of that *Cato* of *Utica*, who killed himſelf.

† *Lucius Lucullus* went to *Aſia* in Quality of Quæſtor; when Prætor, he had the Government of *Sicily*, and when Conſul, that of *Aſia*, entruſted to him; and *Archias* attended him in thoſe Provinces.

‡ *Heraclea* was a City of *Italy*, bordering upon *Campania*: According to *Strabo*, it was formerly called *Troy*; but, the Colonies of the *Tarentines* ſettling in it, it was afterwards called *Heraclea*, and ſince they enjoyed the ſame Privileges with the City of *Rome*, and it was numbered among the Aſſociate Cities, *Archias*, of Courſe, might claim the Privileges of a *Roman* Citizen.

§ This Alliance with *Heraclea* was entered into, and confirmed, in the Time of *Pyrrhus*, under the Conſulate of *Fabricius*, in the 175th Year after the Building of the City.

chiſed in that City. This was granted as well on Account of his perſonal Merit, as by the Recommendation and Favour of *Lucullus*. The Terms on which, by the * *Plotian* Law, any Alien might be admitted a Citizen of *Rome*, were as follows: IF THEY WERE ENROLLED BY FREE CITIES, IF THEY HAD A DWELLING IN ITALY AT THE TIME OF PASSING THE LAW, AND IF THEY DECLARED THEIR ENROLMENT BEFORE THE PRÆTOR WITHIN † SIXTY DAYS. *Archias* for many Years had a Dwelling at *Rome*, and he had *declared* before the Prætor *Q. Metellus*, who was his intimate Friend.

IF the Enfranchiſement and the Law is all I have to prove, here will I reſt my Defence; the Trial is over, for which of thoſe Facts, *Gratus*, can you invalidate? Will you deny his Enrolment at *Heraclea*? *Lucullus*, a Man of the ſtricteſt Honour, Truth, and Integrity, is here in Court, ready to affirm it, not as a Matter that he believes, but knows to be true; not as

* When *Cneius Pompeius Strabo* and *Lucius Porcius Carbo* were Conſuls, *Marcus Plautius Silvanus* and *Cneius Papyrius Carbo*, Tribunes of the People, made a Law relating to Strangers. See the following Note.

† There were three Clauſes in this Law: If any one was regiſtered in the Books of an Aſſociate City, had a Dwelling in *Italy*, and within ſixty Days after the Law was made, atteſted himſelf before the Prætor, he was judged a *Roman* Citizen.

as a Thing he heard, but ſaw; not as an Affair in which he had ſome Concern, but what he really tranſacted. Commiſſioners from *Heraclea*, all of them Men of Quality, on Account of this Trial are preſent, ready to produce the public Mandates and Declaration of their Conſtituents, that prove him an *Heraclean* by Enrolment. But here you demand that the public Archives of *Heraclea* ſhould be produced; though we all know that they, and the Office which contained them, were conſumed by Fire in the *Italian* * War. How ridiculous therefore is it, not to plead to the Evidences which we are ready to produce, and to inſiſt upon our producing Evidences which it is impoſſible we can command; to refuſe what is recent in the Minds of Men, and to appeal to the Authority of Regiſters; to reject what is affirmed on the Honour of an illuſtrious *Roman*, and the unqueſtionable, the uncorruptible Faith and Oath of a free City; and to demand the Evidence of Regiſters, which, at the ſame Breath you own may be, and often are vitiated!

BUT he had no Dwelling at *Rome*. He, who for ſo many Years before he obtain ed his Enfran-

* The Inhabitants of *Italy* deſpairing of making themſelves Maſters of the City of *Rome*, they at laſt conſpired, and waged War upon the *Romans*, which was called the *Social War*: And likewiſe the *Marſian*, becauſe firſt raiſed by the *Marſi*.

franchiſement, had made *Rome* the Seat of all his Affairs and Fortunes: but he did not *declare*; I affirm, he did, nay * entered his Declaration into thoſe Regiſters of *Metellus*, which alone by that very Declaration, and their being in Cuſtody of the College of Prætors, have a Title to the Authority of public Archives.

For, as the Regiſters of † *Appius* are ſaid to have been very negligently kept, the Corruption of *Gabinius* before he was accuſed, and his Fate after he was condemned, in a Manner cancelled the Authority due to public Records. But *Metellus*, the moſt modeſt, moſt virtuous Man alive, went before *Lucius Lentulus* the Prætor, and the other Judges, and complained of the Erazure of one Name; now I ſay that the Name of *Licinius* is ſtill to be read there without any Erazure.

If this is Fact, why ſhould you doubt of his Enfranchiſement, eſpecially as he was enrolled in other free Cities? If in ‡ *Greece* Men of no Conſideration, and profeſſing either no Art at all,

* He took Care, as the Law preſcribed, that his Name ſhould be recorded; not in thoſe Regiſters which were negligently kept by the Prætor (and in which many ſtole an Opportunity of writing their own Names) but in thoſe kept by *Metellus*, whoſe Integrity was unqueſtioned.

† *Appius* and *Gabinius* were Prætors when *Archias* was atteſted.

‡ He here means *Græcia Magna*, which was a Part of *Italy*, reaching from the Confines of *Latium* to *Tarentum* and *Cumæ*.

all, or a very mean one, were gratuitoufly enfranchifed in their Cities, is it probable that the *Rhegians*, the * *Locrians*, the *Neapolitans*, and the *Tarentines* would deny to a Man, who had the Merit of a fuperior Genius to recommend him, a Compliment which they never fcrupled to beftow on Players? How! when others, not only after their Enfranchifement, but even after the † *Pappian* Law, found Means to creep into the Regifters of the Municipal Cities; fhall he, who never claimed his Privilege by Virtue of his being enrolled in other Cities, becaufe he wifhed ftill to be an *Heraclean*, be rejected?

You demand to fee our Qualification by the Cenfors Books; as if it were doubtful that, at the Time of the laft *Cenfors*, my Client was in the Army under that brave General *Lucius Lucullus*; in the Time of their immediate Predeceffors, he was in *Afia*, where the fame General was Quæftor, and under ‡ *Julius* and *Craffus* the People underwent no Capitation. But as an

* *Archias* had the Immunities of a Citizen conferred upon him by the Inhabitants of *Locris*, a City in the remoteft Skirts of *Italy*.

† *Petronius* at firft made a Law, forbidding Strangers to enjoy the Privileges of Citizens; and *Pappius*, a Tribune of the People, when *Cotta* and *Manlius* were Confuls, reftored it, in the Year of the City 688.

‡ *Lucius Julius Cæfar* and *Publius Licinius Craffus* were Cenfors, when *Cneius Pompeius* and *Porcius Cato* were Confuls, in the Year of the City 664.

an Enrolment in the Cenſor's Books does not conſtitute en Enfranchiſement, but only proves that a Man thus enrolled aſſumed the Character of a Citizen, know that at the Time in which you pretend that, even by his own Confeſſion, he had no Right to the Freedom of *Rome* by our Law, he often made his Will according to our Laws, he adminiſtred as Heir to *Roman* Citizens, and was recommended to the Treaſury by *Lucius Lucullus*, then Conſul and Prætor, as worthy of Preferment.

FIND out, therefore, if you can, ſome other Arguments, for neither by his own nor his Friend's Conduct, can he ever be convicted. You demand, *Gratus*, of me, why I am bewitched with this Man? I anſwer, becauſe he ſupplies me with an agreeable Relaxation for my Spirits, when fatigued with this Buſtle of the *Forum*, and charms my Ears when ſtunned with its Noiſe. Do you imagine that I could poſſibly furniſh Matter for my daily Pleading on ſuch a Variety of Heads, were not my Underſtanding cultivated with Learning; or that my Mind could be equal to ſuch Straining, were it not ſometimes unbent by learned Amuſements? Yes, I own myſelf to be enchanted with theſe Studies. Let thoſe be aſhamed who ſo bury themſelves in learned Duſt, as that their Qualifications can neither be of Uſe to Society, nor

give Credit nor Reputation to themſelves: But what have I to be aſhamed of? I, my Lords, who never have been detained by Intereſt or Indolence, diſtracted by Pleaſure, or diverted by Sleep for ſo many Years from the Offices of Humanity. Then who can juſtly blame, who can cenſure me, if, while others are purſuing the Views of Intereſt, gazing at * feſtal Shews and Solemnities, exploring new Pleaſures, repoſing the Body, or unbending the Mind, while they are deep in the Midnight Revel, in Dice or Diverſion, I ſpend the recollective Hour in the pleaſing Review of theſe Studies? Farther I can urge in my own Excuſe; to them it is owing that I thus ſpeak, that thus I reaſon; that no Acquirements did I ever poſſeſs, which have not been employed to relieve my Friend. Theſe indeed may be thought ſlender, but I am conſcious from what Source even thoſe of the moſt exalted Nature are derived.

For, had not my youthful Mind from many Precepts, from many Writings, drunk in this Truth, that Glory and Virtue ought to be the Darling, nay, the only Wiſh in Life; that, to attain theſe, the Torments of the Fleſh, with the Perils of Death and Exile, are to be deſpi-
ſed;

* The Original is *Tempeſtivis Conviviis*; which were ſuch Entertainments as begun before the accuſtomed Hour, and were lengthened out till very late at Night.

ſed; never for your Deliverance had I expoſed my Perſon in ſo many Encounters, and to theſe daily Conflicts with the worſt of Men. But, on this Head, Books are full, the Voice of the Wiſe is full, the Examples of Antiquity are full, and all theſe the Night of Barbariſm had ſtill inveloped, had it not been enlightened by the Sun of Science. How many Pictures of the braveſt Men, not to be gazed at, but to be imitated, have the *Greek* and *Latin* Authors left us! It was by the lovely Ideas which I drew from their Excellence, that I regulated my Conduct as a Magiſtrate, and at once improved my Head and my Heart.

How? it may be ſaid, were all thoſe great Men, whoſe Virtues are recorded, ſkilled in the Learning that you are ſo laviſhly praiſing? It is hard to ſay that they all were; but I affirm one Thing as certain. I own that I have known many, who, without Letters, by the almoſt divine Intelligence of their own Nature, have enjoyed every good Quality, every amiable Virtue, and of themſelves have acquired the Love and Veneration of Mankind; nay, I will add that Nature without Learning is of more Efficacy towards forming ſuch a Character, than Learning is without Nature: But at the ſame Time I do inſiſt, that, when intelligent improvable Nature is aſſiſted by poliſhed Education,

and regular Study, then ſomewhat inexpreſſibly beautiful, ſomething inimitably excellent, is ever the Conſequence.

SUCH was the Divine * *Africanus*, known to paſt Ages, ſuch the amiable † *Lælius*, and the temperate *Furius*, and ſuch, known to this Age, was ‡ *M. Cato*, that brave *Roman*, and learned old Man; all theſe never had applied to Learning, but from a Conſciouſneſs that their innate Virtue was improved and enlightened by Study. But, were Pleaſure without Utility to be the ſole End of Learning, yet muſt you own it to be the moſt generous, the moſt humane Exerciſe of the rational Faculties. For other Exerciſes are neither proper for all Times, all Ages, or all Places; but theſe Studies employ us in Youth, and amuſe us in old Age; in Proſperity they grace and embelliſh, in Adverſity they ſhelter and ſupport; delightful at Home, and eaſy Abroad, they ſoften Slumber, they ſhorten Fatigue, and enliven Retirement. Tho' I myſelf never had felt their Efficacy, nor could have

* The youngeſt Son of *Paulus Æmilius* was ſirnamed *Africanus*. This Youth, according to *Cicero*, added a Dignity to his warlike Glory by his Eloquence.

† This *Lælius* was ſirnamed *Sapiens*; and is by *Cicero*, *de Claris Oratoribus*, ſaid to far exceed *Scipio*, in Point of Eloquence.

‡ This *Marcus Cato* was a Man of great Authority and Courage: When very old, he applied himſelf to the *Greek* Language; and he learned the *Latin* when pretty old. *Cicero* makes frequent Mention of his Eloquence in his Piece *de Claris Oratoribus*, and in his Book *de Senectute*.

have tasted their Excellence, yet must they have been the Object of my Adoration, even when I see them in others.

WHERE amongst us is the Mind so barbarous, where the Breast so flinty, as of late to be unaffected with the Death of * *Roscius*? He died indeed an old Man, but a Man whose Art and Elegance seemed to challenge Immortality to his Person. Was he then so universally esteemed and loved for the inimitable † Management of his Limbs? And are we to overlook the divine Enthusiasm of Genius, and the glowing Energy of the Soul? How often, my Lords, have I seen this *Archias* (for I presume upon your Goodness, as I am encouraged by your Attention to this unusual Method of Pleading) how often, I say, have I seen him, when, without the Assistance of a Pen, he poured forth a Number of excellent Lines on Subjects that were transacting while he composed them? How often has he ‡ cloathed the same Subject in

* This was the *Roscius Comœdus*, for whom *Cicero* pleaded, and whom *Quintus Catulus* pronounced more beautiful than the rising Sun, notwithstanding his squinting Eyes and distorted Looks.

† He had such a graceful and majestic Air, in the very Motions of his Body, that after him, whoever excelled in any Art, was called a *Roscius* in his own Way.

‡ *Archias*, when demanded to cloath his Thoughts in other Expressions, could do it with such Ease and Fluency, as surprized all who were Witnesses of it.

in a different Turn of Words and Expreſſion, while whatever was the cool, the digeſted Reſult of his Study, if reduced to Writing, has in my Hearing met with an Approbation nothing ſhort of what is due to the Merit of Antiquity itſelf! Has not this Man then a Right to my Love, to my Admiration, to all the Means which I can employ in his Defence? For we are inſtructed by all the greateſt and moſt learned of Mankind, that Education, Precepts, and Practice, can in every other Branch of Learning produce Excellence. But a Poet is formed by the Finger of Nature, he is arouſed by the mental Vigour, and inſpired by what we may call the Spirit of Divinity itſelf. Therefore our *Ennius* has a Right to give to Poets the Epithet of **Holy*, becauſe they are, as it were, lent to Mankind by the indulgent Bounty of the Gods.

MAY you, therefore, my Lords, as you are Men of great Learning and Politeneſs, ſuffer the Name of *Poet*, which no Barbariſm ever profaned, with you to be *Sacred*. Rocks and Deſarts are † reſpondent to the Voice, Muſic has Charms to ſcoth and tame the horrid Savage;

* *Plato* ſtiles Poets the Sons and Interpreters of the Gods.

† He here alludes to the Fable of *Orpheus*, whom the Poets feign to have charmed Tygers, Lions, Woods and Trees, by the Muſic of his Harp. By this Fiction they wanted to repreſent to us the Force and Efficacy of Poetry, to tame the fierceſt of Natures, and ſooth the moſt ſavage Breaſt.

vage; and ſhall we, with all the Advantages of excellent Education, be deaf to the Voice of the Bard? The * *Colophonians* claim *Homer* for their Countryman: The † *Chians* aſſert him to be theirs. The *Salaminians* affirm him to be a ‡ *Salaminian*, but the § *Smyrnians* affirm him to

* Theſe were the Inhabitants of *Colophon*, a City of *Ionia*; famed for its being the Seat of the Oracle of *Apollo*, and the native Country of *Nicander* the Poet.

† *Chios* was an Iſland in the *Ægæan* Sea; and, if we may give Credit to *Stephanus*, was the moſt ſplendid City belonging to the *Ionians*.

‡ A People of the Iſland of *Cyprus*.

§ *Smyrna* was a Town in *Ionia*. The Hiſtory of the Seven *Greek* Cities laying Claim to *Homer* is ſo well known, that we need not take up any Time in deſcribing it here. This is a Piece of Sophiſtry that an Orator durſt not have uſed before an *Athenian* Tribunal: That an acute People would eaſily have diſcovered, that the whole was an Impoſition upon their Senſes. 1*ſt*, To inſinuate, that becauſe *Homer* was a Poet, and *Archias* was a Poet, therefore that *Archias* had a Right to the ſame Honours with *Homer*. 2*dly*, To bring a Caſe of a dead Poet, or Citizen, as a Parallel with that of a living one. Five hundred Cities might have claimed *Homer*, yet not one of them have ſuffered either in their Intereſts or Privilege. But the Caſe of *Archias* was of a very delicate Nature; the Immunities of a *Roman* confederated City were very conſiderable; and the Cities which had gained them had deſerved them by their great Services to the State. The Numbers of *Greeks*, at that Time reſiding in *Rome* and *Italy*, had filled all theſe Cities with Inhabitants, who had no other Recommendation, as we may learn from ſeveral Paſſages in this Oration, but the Favour of ſome great Men, who had a Taſte for the fine Arts. This was a very great Diſcouragement to the brave and induſtrious Inhabitants; and, for that Reaſon, the Law, upon which *Archias* was proſecuted, was paſſed to prevent Interlopers. *Cicero*, therefore, had he been Council againſt an Orator who had uſed ſuch general Arguments, would have expoſed their Weakneſs by ſhewing that the Merits of *Archias*, and the Dignity of his Profeſſion, had nothing to do in the preſent Caſe. He might have joined

to be of *Smyrna*: Therefore have they dedicated a Temple to him in their City; and many other People draw their Swords on one another upon the ſame Account.

Do they therefore claim a Stranger, becauſe a Poet, for their Countryman, even though dead, and ſhall we reject this living Poet as ours, who has a *Roman* Heart, and the *Roman* Laws to recommend him; eſpecially as *Archias* employed the utmoſt Efforts of his Art and Genius to make *Rome* immortal by his Muſe? For, when a Youth, he ſung the * *Cimbrian* War, and touched with Pleaſure even the ſtubborn, the untractable Soul of † *Marius*.

Nor is there a Breaſt ſo unſuſceptible of Poetry, who is not pleaſed that the Muſe ſhould be the eternal Herald of his Praiſe: It is ſaid that ‡ *Themiſtocles*, the greateſt Man of *Athens*, when

joined with his Antagoniſt in beſtowing all the Encomiums upon both which they could admit of, yet all was nothing to the preſent Queſtion, which was a Matter of Fact, and depending upon a Law which was clearly againſt *Archias*.

* The Words in the Original are *Cimbricas Res attigit*; which I have tranſlated, *ſung the* Cimbrian *War*; becauſe *Archias*, when a Youth, had really done ſo, and in that Performance run out upon the Glory and Dignity of the *Roman* Empire.

† *Archias*'s Converſation was very agreeable to this *Marius*, who not only hated the Studies which *Archias* followed, but likewiſe had a thorough Averſion to the *Greek* Tongue, which *Archias* ſpoke. *Vide Salluſt.*

‡ *Themiſtocles* was an *Athenian* General; and ſo great a Man, that none of all the *Greeks* was preferred, and few thought equal to him. *Vide Corn. Nep.*

when asked, *What Melody, or whose Voice he heard with the greatest Pleasure*; answered, *That of the Man who could best rehearse his Virtues.* Thus the same *Marius* had the highest Esteem for *Lucius Plotius*, whose Genius he thought was capable to celebrate his Actions.

The *Mithridatic* War, a War of such Importance, such Difficulty, such Variety; of such Action, both by Sea and Land, is all painted by *Archias* in Verses, that not only do Honour to *Lucullus*, the best of Men, and the greatest of *Romans*, but reflect Lustre upon the Dignity of *Rome* herself. For the *Romans* under *Lucullus* penetrated into *Pontus*, till then impregnable by Means of its Frontier guarded by a Monarch's Arms, and a Situation almost inaccessible by Nature. Under him, the *Roman* Arms, with an * inconsiderable Force routed the innumerable Troops of the † *Armenians*. To his Conduct it was owing, that the *Romans* had the Glory of snatching and securing ‡ *Cyzicum*, the City of our dearest Allies, from all the Fury of a Monarch, and out of the destructive Jaws of a whole impending War. To our

* When *Tigranes*, at the Head of a vast Army, saw *Lucullus* advancing with an inconsiderable One, he cried out, If these came as Ambassadors their Numbers were sufficient; but if they came with a View to fight, they were by far too few.

† These were the Subjects of *Tigranes*.

‡ This is a small Island, with a City of the same Name, in the White Sea between *Asia* and *Europe*.

our Praiſe ſhall it ever be recorded and related, that, under *Lucullus*, we ſunk the Enemy's Ships, we ſlew their Generals, and performed Miracles in the Sea-fight of * *Tenedos*. Ours are the Trophies, ours the Glory, and ours the Triumphs. Therefore, the Genius, that records the Actions of our Heroes, at the ſame Time celebrates the Glory of our Country. Our † *Ennius* was dear to the elder *Africanus*, and it is thought his Statue was erected in Marble, amidſt the Monuments of that Family. Not only the immediate Subject of a Poem, but even the Glory of the *Roman* People derives a Luſtre from thoſe

* *Tenedos* is a ſmall Iſland and City of the leſſer *Aſia*, overagainſt *Sigæum*, a Promontory of *Troas*.

† *Ennius* was an ancient Poet, born at *Rudiæ*, a Town of *Calabria*. He wrote a Book of Annals in Verſe, and many other Things, of which we have only now ſome Fragments remaining. His Character in general is too well known to need any farther Deſcription, only there is one Part which we think deſerves to be mentioned; and that is, that he never ſung of War and Arms, except when he was drunk. *Horace* humourouſly touches upon this Part of his Character in theſe Lines:

Ennius ipſe pater nunquam niſi potus ad arma
Proſiluit dicenda.

He was very much reſpected by *Scipio Africanus*, who, according to *Valerius Maximus*, erected his Statue among the Monuments of the *Cornelian* Family; which Circumſtance receives an additional Proof from the Lines of *Ovid*:

Ennius emeruit Calabris in montibus ortus,
Contiguus poni Scipio magne, tibi.

those Praises of the Poet. *Cato,* * the Ancestor of the Judge who sits here, is ranked among the Gods, and so the highest Honour reflected on the Conduct of the *Romans*; in short, all the † *Maximi*, the *Marcelli*, and the *Fulvii*, whose Virtues the Muse records, communicate a Proportion of their own Glory to every Man in *Rome*.

DID our Ancestors then admit to the Privileges of a *Roman* a Native of ‡ *Rudia*; and shall we eject out of *Rome* an *Heraclean*, whom many Cities have courted, but whom the Laws of *Rome* ascertain to be her's? Ridiculous is the Mistake in imagining, that the Merit of a *Greek* Poet is inferior to that of a *Latin*. *Greek* Verses are read almost universally; the *Latin* are confined to the narrow Bounds of *Latium*. Therefore, if the Operations of the *Roman* Arms are limited only by the Limits of the Earth, we ought to pant that our Glory and Fame should

* This was *Cato Major*, who, according to *Livy*, was a Man of uncommon Judgment; and had a happy Turn for managing either public or private Business. In War he was an expert General; in Peace, a skilful Lawyer; and in Pleading a great Orator.

† These were the Men who, in the second *Punic* War, became famous on Account of the Victory they gained; and whose Valour and Conduct had been sung by *Ennius*. The chief of them were *Quintus Fabius Maximus*, *Marcus Claudius Marcellus*, (who convinced the World that *Hannibal* could be conquered;) and *Quintus Fulvius Flaccus*, who took *Capua*.

‡ *Rudia* is a City of *Calabria*, built by the *Greeks*.

ſhould *reach*, at leaſt, as far as our Power is *felt*. Theſe, as they are ſtrong Motives to the People in general, whoſe Actions are celebrated, ſo to the particular Heroes, who expoſe their Lives in the Field of Honour, they have ſtill been found the principal Incentives to Danger and to Toil.

WHAT a Number of Writers is the * great *Alexander* ſaid to have carried along with him! Yet, when he ſtood by the Tomb of *Achilles* at *Sigeum*, † *Happy Youth*, he cried, *who found a* Homer *to celebrate your Courage!* Irrefragably true? For, had it not been for the ‡ *Iliad*, the Fame and the Aſhes of *Achilles* had been buried in the ſame Grave. And did not § *Pompey* the Great,

* *Cicero* here ſhews, from the Example of *Alexander*, how much Poets were eſteemed and honoured by great Men; for he always kept a Tribe of Poets about him; and, though ſome of them were none of the beſt, yet he was ſo charmed with their Productions, that he beſtowed very ample Rewards upon them, which gave Occaſion to theſe Lines in *Horace*:

> *Gratus Alexandro Regi Magno fuit ille*
> *Chærilus, incultis qui verſibus & male natis*
> *Retulit acceptos regale Numiſma Philippos.*

† He was happy on two Accounts: Firſt, on Account of his Virtue and Valour; and ſecondly, becauſe he had *Homer* to place his Worth and the Glory of his Actions in ſuch a beautiful and ſtriking Light, as that they could not fail to charm After-Ages.

‡ This incomparable Poem takes its Name from *Ilium*, becauſe it treats of the War carried on there between the *Græcians* and the *Trojans*, for the Rape of *Helen*.

§ *Cicero* here ſhews the Honour in which Poets were had, from

Great, with us, who has raiſed his Fortune equal to his Merit, in a military Aſſembly, enfranchiſe * *Theophanes* of *Mitylene*, the Poet, of his Praiſe? And theſe brave Countrymen of ours, rough and unpoliſhed as they were, felt yet the Emotions of Glory, and ſent up an approving Shout, as ſharing in the Fame of their Leader.

ARE we then to ſuppoſe, that, if *Archias* had not by our Laws been a Citizen of *Rome*, he could not have obtained his Infranchiſement from ſome General? Would *Sylla*, when he admitted *Gauls* and *Spaniards*, have refuſed the Suit of *Archias*? *Sylla*, I ſay, whom we once ſaw in an Aſſembly, when a very obſcure Poet preſented him a Petition upon the Merit of a hobbling Epigram to his Praiſe, ordered him inſtantly to be rewarded out of a perſonal Eſtate which was then ſelling, on Condition that he ſhould ſcribble no more. Would the Man, who thought that the Labours even of a wretched Poet deſerved ſome Reward, have been ungrateful to the Wit, the Genius, and the Excellency

from the Example of *Pompey*, who when going into *Spain* to wage a dangerous War (by a Law made by the Conſuls *Lucius Gellius Publicola* and *Lucius Cornelius Lentulus*) obtained a Power of beſtowing the Freedom of the City upon thoſe who had behaved well in the War.

* This *Theophanes* was an Hiſtorian and a Poet. He ſung the Deeds of *Pompey*, and was on that Account preſented with the Liberty of the City, by the unanimous Conſent of the Soldiers.

cellency of *Archias?* Could neither he nor the *Luculli* have had Intereſt enough with *Metellus Pius*, his intimate Friend, who was laviſh of his Infranchiſements, to obtain that Boon, eſpecially as that great Man had ſuch a Paſſion for having his Actions recorded in Verſe, that he heard, with ſome Degree of Pleaſure, the harſh uncouth Things, called Verſes, of Poets * born at *Corduba?*

NOR muſt we diſſemble a Truth which can never be darkened, which we muſt all avow: The Love of Praiſe biaſſes all Mankind, and the greateſt Minds are moſt ſuſceptible of a Paſſion for Glory. Thoſe very Philoſophers, who moſt preach up a Contempt of Glory, prefix their Names to their Works, and the very Performances in which they run down Oſtentation and Diſtinction, are evident Proofs of their Vanity and Love of Fame. † *Decimus Brutus*, that great Man, and excellent General, adorned the Entrance of the Temples, and the Monuments of

* This was a City of *Hiſpania Bætica*, and, though it had become a Proverb for the bad Poets it produced, yet it gave Birth to ſome Men of uncommon Parts, among whom were the two *Senecas* and *Lucan*.

† This *Decimus Brutus* was Conſul in Conjunction with *Scipio*, in the Year of the City 616; and, going General into *Spain*, he routed ſixty Thouſand of the *Gallæcians*; which Succeſs procured him the Sirname of *Gallæcius*. Vide *Paterculus* & *Strabo*.

of his own Family, with the Verſes of * *Attius* his intimate Friend. The great † *Fulvius*, who in his War with the *Ætolians* was attended by *Ennius*, made no Scruple to conſecrate the Spoils of *Mars* to the Muſes. In this City, therefore, if Generals in their Armour have dignified the Name, and worſhipped at the Shrine of the Muſes, you, my Lords, in your Robes, ought to aſſert their Honour, and protect their Poets.

My Lords, to encourage you to this, I will now unboſom myſelf, and confeſs my perhaps too keen, but virtuous, Paſſion for Glory; for all that, in Conjunction with you, I effected during my Conſulate, for the Safety of this City and Empire, for the Lives of *Romans*, and the Liberties of my Country, is the Subject of a Poem, which *Archias* has begun on that Subject. So much as I heard of it, which at once gave me Surprize and Pleaſure, induced me to exhort him to compleat it. For Virtue requires no other Reward for all her Toils and

* This *Attius*, or *Accius*, wrote ſome Tragedies, and is made Mention of by *Horace*, in this Line,

Nil comis Tragici mutat Lucilius Acci.

† When this *Fulvius* went into *Ætolia* to carry on a War, he took *Ennius* along with him; which, *Cicero* tells us, in his firſt Book of *Tuſculan Queſtions*, was thrown upon him by Way of Reproach.

and Dangers, but this of Praiſe and Glory. Take this away, my Lords, and what can remain in this narrow this ſcanty Career of Life, that has Charms to prompt us to Toils and Dangers?

SURE if the Mind could not launch into the Proſpect of Futurity, were the Operations of the Soul to be limited to the Space that bounds thoſe of the Body, ſhe would not weaken herſelf by conſtant Fatigues, nor vex herſelf with continued Watchings and Anxieties, nor would ſhe think even Life itſelf worthy of a Struggle. But a certain Principle lives in the Breaſt of every good Man, whoſe unceaſing Hints prompt and inſpirit him to the Purſuit of a Fame, which is not commenſurate to our mortal Exiſtencee, but extending to the lateſt Poſterity.

CAN we, who have undergone Dangers for our Country, think ſo narrowly, as to imagine, that, though from our entering, to our leaving the World, we have never breathed without Anxiety and Trouble, yet that all Conſciouſneſs ſhall be buried in the Grave with ourſelves? If the greateſt Men have been careful to leave their Buſtoes and Statues, thoſe Images not of their Minds, but of their Bodies; ought not we to wiſh rather to tranſmit to Poſterity the Reſemblance of our Wiſdom and Virtues, deſigned and finiſhed by the moſt accompliſhed *Artiſts?*

tists? For my Part, while I acted as I did, even then I imagined, that I was disseminating and transmitting my Actions to the remotest Corners, and the latest Ages of the World. Whether therefore my Consciousness of this shall cease in the Grave, or, as some learned Men have thought, it shall survive as a Property of the Soul, yet one Thing I am sure of, that at this Instant I feel from the Reflection a flattering Hope, and delightful Sensation. Therefore, my Lords, retain the Man whom the Affections of his Friends, his own Virtues, and his own Genius recommend. And how great his Accomplishments are, you may learn from the greatest Men in *Rome*, who court him for their Friend: And his Plea is of such a Nature as to be proved by the Construction of the Law, by the Faith of municipal Cities, the Evidence of *Lucullus*, and the Registers of *Metellus*. As the Case thus stands, we are emboldened, my Lords, if the Intercession not only of Men, but of Gods, can have any Weight, to hope, that the Man, who has ever added Lustre to you, your Generals, and your Country; who has undertaken to transmit to Posterity an eternal Memorial of your Praise, while your and my domestic Dangers are yet recent; and whose Character has ever been esteemed and pronounced sacred, shall be sheltered under your protection,

 that

that he may ſeem to be rather relieved by your Humanity, than oppreſſed by your Rigour.

THE Matters of Fact, my Lords, which I have with my accuſtomed Brevity and Simplicity related, require, I hope, no farther Proof. The Manner in which, contrary to the Uſage of the *Forum* and the Bar I have enlarged upon the Genius of my Client, and the general Merits of his Profeſſion, will, I hope, by you be taken in good Part, as I am ſure they will by him who preſides on your Bench.

THE

THE

ARGUMENT.

MARCUS MARCELLUS *was one of the most determined Opposers of the Power of* Cæsar. *After he had been Consul, in Conjunction with* Sulpitius Rufus, *he joined with* Pompey *in the Civil War: When the Battle of* Pharsalia, *where he was present, was over, instead of taking Advantage of the Willingness which* Cæsar *expressed to treat with the greatest Lenity all those that surrendered, he in a Manner put it out of the Power of* Cæsar *to save him.*

It appears from the Character, and by what we can learn of Marcellus, *that his personal Interest in the Senate was very great. Though he was but a* Plebeian *by Birth, yet he counted a great many Ancestors and Friends who were noble; and his personal Virtues were so great, that he was in the highest Degree of Esteem with the greatest Orators, Lawyers, and Patriots in* Rome.

As to his Political Character, It appears in one Respect to have been singular, as it would seem that he disapproved both of the Conduct of

Cæsar *and his Antagonists. He thought perhaps that the Civil Disputes then were, not if* Rome *should be free, but who should be her Tyrant. For, notwithstanding he was one of the principal Adversaries of* Cæsar, *both by his Tongue and Interest in the Senate, before the Commencement of the Civil Wars, yet after the Battle of* Pharsalia *he saw so much into the Views of both Parties, that he refused to join either; though the Example of* Cato, *and his strong Power in* Africa, *seemed to invite a Renewal of the War there on the Part of the Republick. He therefore chose to be* obscurely good, *to spend the Remainder of his Time in a* lettered Indolence, *forgot by, and forgetting the World.*

For this Purpose he retired to Mitylene, *a neutral City, where he lived without Hopes, Desire, or Prospect of returning to* Rome. *The Senate, however, encouraged by the many Examples of a generous Clemency which* Cæsar *had given in their own Body, resolved to petition* Cæsar *for the Pardon of* Marcellus, *whom they looked upon as the most useful Man in their Number.* Cæsar, *on the other hand, who before had Experience of the Active Spirit, and invincible Aversion of* Marcellus *to his Party, could not persuade himself, or at least seemed unwilling to believe, that* Marcellus *in his Retirement was wholly taken up with Books and Contemplation; and he had lately heard*

heard ſome Hints of a Conſpiracy to diſturb his Government. Therefore, when the Senate as one Man implored his Clemency in Favour of Marcellus, *he fell into a Kind of Revery, and his Magnanimity ſeemed for ſome Time to maintain a Struggle with his Reſentment. For while the Senate were on their Knees, he figured* Marcellus *preſent; and in a Kind of Soliloquy,* Marcellus, *ſaid he,* You ſtill are, and always have been my inveterate Enemy, and even now I hear that Conſpiracies are forming againſt my Perſon; but, as your Pardon is entreated by this venerable Body, I grant it.

All the Senators upon this ſeverally returned him Thanks, but Cicero *expreſſed his in the following beautiful Oration, which is perhaps one of the higheſt-ſtrained Panegyrics that ever was pronounced. The Reader from it will eaſily learn the Eſteem, the Love, and Friendſhip which* Cicero *had for* Marcellus, *with the Veneration and Dread which all* Rome *had of* Cæſar.

It was delivered in the Year of Rome 707, *and of* Cicero's *Age* 61.

M. T.

CICERO's

ORATION

FOR

MARCELLUS.

THIS Day, Fathers Conſcript, has unlooſed my Tongue from the Silence * which Grief and Regard, uninfluenced by Fear, impoſed in theſe Times of Danger; and from this Hour will I date the Recovery of my old, my manly Freedom, of ſpeaking what I think. Ill ſhould my

* *Cicero* had, in Quality of an Orator, or Pleader, been long ſilent, upon Account of the Civil War between *Pompey* and *Cæſar*: For the Senators had retired, ſome to one City, ſome to another; and ſome of them had followed *Pompey*, among whom was *Cicero*, and a great many of the leading Men: For this Reaſon a Senate was not held at *Rome*: And even when *Cicero* was ſome Time after reſtored by *Cæſar*, he kept himſelf private, and made no Appearance in the Senate.

my Silence ſuit the Proofs of ſuch exceſſive Humanity, ſuch unparalleled, ſuch unprecedented Clemency, ſuch Exerciſe of Moderation in the Height of Power, with a Wiſdom, ſo ſurpaſſing Belief, ſo approaching to Divinity. In *Marcus Marcellus*, Fathers Conſcript, given back to you and his Country, I imagine that it is not his Voice and Authority alone, but my own, that is reſtored to the Service of *Rome* and her Senate.

HEAVILY, ſenſibly, Fathers Conſcript, was I afflicted that ſo great a Man, who had been embarked in the ſame Cauſe *, ſhould not ſhare in the ſame Fortune with myſelf: Nor could I be perſuaded that it was not a Kind of a Crime in me to reſume my Functions in this my former Courſe of Life, while ſevered from the ſocial Rival of my Studies †, and the agreeable Partner of my Toils. Therefore, *Caius Cæſar*, you have reſtored that Practice which has been long debarred from my Perſon, and my former Courſe of Life; and at the ſame Time erected as it were a Flag ‡, that promiſes

* *Marcellus*, as well as *Cicero*, had followed *Pompey*, and oppoſed *Cæſar*; and is therefore ſaid by *Cicero* to be embarked in the ſame Cauſe with himſelf.

† *Marcellus* was ſo great an Orator, that he even diſputed the Prize of Eloquence with *Cicero* himſelf, by whom he is highly commended in his Book *de Claris Oratoribus*.

‡ As, in War, the Raiſing the Flag is a Sign that the Hopes of

ses Protection, and inspires these Fathers of *Rome* with the best grounded Hopes as to the general Welfare. For I was convinced by many Proofs, but by none so strong as by my own Case, but lately every Circumstance has confirmed me in that Opinion, that when you lately gave back *Marcus Marcellus* to the Senate, to the *Romans*, and to his Country, especially after recounting all his Offences*, your Regard for the Honour of this Senate, and the Dignity of this Government, had cancelled all your Resentment and stifled all your Suspicions †. The unanimous Intercession of the Senate, with the Majesty and Weight of your Concession in his Favour, has this Day amply repaid the Services of his whole Life. Important Lesson to the Great! To teach them, what a Merit there is in bestowing a Favour, when there is so great a Glory even in receiving it! Happy is the Man whose *Happiness* is felt not more

of Victory are not lost, so, says *Cicero*, *Cæsar*, by restoring *Marcellus*, inspired the *Romans* with the pleasing Hopes of his good Intentions towards the Republic.

* *Marcus Marcellus*, when Consul, endeavoured to get himself sent as Successor to *Cæsar*, at that Time waging War in *Gaul*. He likewise did all he could to get *Cæsar* proclaimed an Enemy to his Country, if he did not forthwith disband his Army. In a Speech he stiled him Robber; nay, which is more, he lashed with Rods a Magistrate of *Novocomum*, where *Cæsar* had planted a Colony, that so he might shew him to be no Citizen, and testify his Disapprobation of what *Cæsar* had done. These are the Offences of *Marcus Marcellus* against *Cæsar*.

† *Cæsar* suspected that *Marcellus* harboured a Design of killing him.

more by himſelf than by all Mankind! And ſuch deſervedly is the Caſe of *Marcellus*; for who excels him in Birth *, in Probity, in a blameleſs Life, in the Study of the nobleſt Arts, or the Praiſe of every virtuous Accomplihment? Though no Man alive poſſeſſes ſuch a Stream of *Genius*; though no Man's Tongue, no Man's Pen, has ſuch a Force, ſuch a Flow, I will not ſay to embelliſh, but to enumerate the Actions of *Cæſar*; yet will he pardon me if I affirm, that from no Action in his whole Life will he reap more Glory than from that of this Day.

OFTEN have I imagined, and often have I ſaid it with Rapture, that all the Exploits of our Generals, of thoſe of *foreign* Nations, the moſt powerful People, and the moſt glorious Princes, fall far ſhort of yours, in the Importance of the Struggles, the Number of Battles †, the Variety of Scenes ‡, the Celerity of Con-

* Though the Family of the *Marcelli* was only of a Plebeian Rank, yet it was rendered noble and illuſtrious by many ſignal Honours that had been conferred upon it; for no fewer than ſix of its Deſcendants had been Conſuls; one of whom was honoured with the Conſulſhip, five, and another three, different Times.

† *Cæſar* had fought fifty pitched Battles, according to *Pliny*, Lib. 7. Chap. 26; and, beſides his Civil Victories, he had ſlain in Battle eleven Hundred and ninety-two Thouſand Men.

‡ *Cæſar* had waged War in *Spain*, *Britain*, *Gaul*, *Egypt*, *Germany*, *Aſia*, *Africa*, and *Greece*. In *Africa* he overcame *Pompey*; at *Pharſalia*, in *Egypt*, *Ptolemy*; in *Pontus*, *Pharnaces*, the Son of *Mithridates*; in *Africa*, *Scipio* and *Juba*; and in *Spain*, the Sons of *Pompey*.

Conqueſt *, and the Inequality of Force. You have viſited, nay, you have conquered the moſt diſcontiguous Countries †, in ſhorter Time than the paſſing Traveller requires to hurry through them. All theſe are Circumſtances, which I muſt be accounted void of Senſe, did I not own them to ſurpaſs Imagination and Belief; yet you poſſeſs Merits ſurpaſſing even theſe ‡. Military Glory is often extenuated in the Relation, and, leſt it ſhould be engroſſed by the Generals, ſome Part of it is ſtripped from the Commander, and communicated to the private Soldiers. And certainly in War the Courage of the Men, the Advantage of Place, the Support of Auxiliaries, Convoys, and Communications, are of great Importance. But Fortune ſtill puts in her Claim for the greateſt Share, and whatever is ſucceſsful, that ſhe arrogates to herſelf. But, *Cæſar*, in the Glory which you have lately gained, you have no Partner: Extenſive and nothing

* *Cæſar* ſays of himſelf, in his Commentaries, that he did certain Things, *celerius opinione, ſooner than one could well believe*; nay, he was ſometimes ſo ſurprizingly expeditious with his Battles, that he had almoſt no ſooner got a View of his Enemies, than he gained a Victory over them; as in the Caſe of *Pharnaces*, on which Occaſion he pronounced theſe three celebrated Words, *Veni, Vidi, Vici, I came, I ſaw, I conquered.*

† *Cæſar* had gained Victories in *Germany*, and in *Africa*, Places lying in oppoſite Quarters of the World.

‡ *Cicero* here means Clemency and Mercy, which might in a peculiar Senſe be called *his own*; whereas Victory, Conqueſt, and the Honours of ſucceſsful War, were ſhared by others as well as himſelf.

nothing can be more ſo, as it is, it is wholly yours. No Captain, no Colonel *, no Troop, no Battalion †, can here put in for a Share: Nor can even Fortune, that inſolent Directreſs of human Affairs, here aſſume any Merit. She yields it to you, ſhe owns it yours, and yours alone; for never can Temerity mingle with Wiſdom, nor is Chance admitted to Counſel.

You have conquered Nations brutally barbarous ‡, immenſely numerous §, boundleſly extended

* Theſe two Words in our Language, perhaps come the neareſt of any other to the *Latin* Words *Centurio* & *Præfectus*; however, leſt there ſhould not be an exact Correſpondence between them in every Particular, it will not be improper to acquaint the Reader with the Station of theſe Officers in the *Roman* Army: The *Centurio*, then, according to *Vegetius*, Lib. 2. Cap. 8. was an Officer who had the Command of an Hundred Men, and was, in the Days of *Vegetius*, called *Centenarius*: The Horſe only had their *Centuriones*. The Foot, on the other hand, had their *Præfecti*; of whom there were ſeveral Kinds; for ſome were ſtiled *Præfecti Legionis*, whoſe Buſineſs it was to diſcharge the Office, and Exerciſe the Authority, of the Lieutenants in their Abſence. Others of them were called the *Præfecti Caſtrorum*, to whom the Chuſing the Ground for pitching the Camp, the Diſpoſition of the Ramparts and Intrenchments belonged. The third Kind was the *Præfecti Annonæ*, whoſe Buſineſs it was to take Care that Proviſions, Cloaths, and Horſes, ſhould always be in Readineſs for the Soldiers.

† As we have no *Engliſh* Words that come fully up to the *Latin* Words, *Cohors* and *Turma*, a Tranſlator cannot be blamed for uſing the Words *Troop* and *Battalion*, ſince by Means of them *Cicero*'s Thought is conveyed to the Mind of the Reader in all its Force and Beauty. See *Modeſtus* & *Vegetius* upon the Words *Cohors* and *Turma*.

‡ Such were the *Africans*, *Ægyptians*, *Britons*, *Gauls*, and *Germans*.

§ *Cæſar* is ſaid to have conquered in *Gaul* four Hundred different

tended, and furniſhed with every Thing that can make War ſucceſsful. Yet all theſe their own Nature, and the Nature of Things made it poſſible to conquer. For no Strength is ſo great as to be abſolutely invincible, and no Power ſo formidable as to be Proof againſt ſuperior Force and Courage. But the Man who ſubdues Paſſion, ſtifles Reſentment, tempers Victory, and not only rears the noble, wiſe, and virtuous Foe, when proſtrate, but heightens his former Dignity, is a Man not to be ranked with even the greateſt Mortals, but reſembling a God.

THEREFORE, O *Cæſar!* the Pens and the Tongues, not only of *Rome* but of all Nations, ſhall celebrate your military Glory, nor in your Praiſes ſhall lateſt Poſterity be ſilent. But it happens, I do not know how, that theſe Virtues, whether read or related, ſeem to be drowned in the Shouts of Soldiers, and the Clangor of Trumpets; yet, when we read or hear of a merciful, a generous, a humane, a gentle, or a wiſe Action performed, under the Influence of Reſentment, that Foe to Council; or when fluſhed with Victory, that Prompter of Inſolence and Pride; with what a Paſſion are we fired for the Authors of ſuch Actions, when we read them in Hiſtory, nay, even in Romance? We even often

ferent People; but it is to be obſerved, that theſe People were very inconſiderable, ſince they either derived their Names from ſome Town, or ſome petty Tract of Ground in *Gaul*.

often love thoſe we never ſaw. But you, whoſe Preſence we behold, whoſe Soul, whoſe Senſe, and whoſe Look we perceive, that you ſhould expreſs your Deſire to ſave all that the Fortune of War has left to your Country, with what Zeal ought we to attend, with what Tenderneſs ought we to love you? The Walls, Sir, of this Court, by Heavens, ſeem to wear an Expreſſion of Gratitude, as if conſcious, that a ſhort Time will reſtore the *Roman* Majeſty to this Seat of their Anceſtors.

INDEED when I beheld the Tears drop from the Eyes of *C. Marcellus* * before you, a Man of the moſt conſummate Virtue and Piety; the Remembrance of all the great *Marcelli* ruſhed upon my Breaſt; their Dignity, even after their Death, you have reſtored, by preſerving *Marcus Marcellus*; and have ſaved almoſt from utter Extinction that illuſtrious Race now exiſting in but a few, a very few Deſcendants.

To this Day, therefore, may you give the Preference † in the long Catalogue of your moſt applauded

* This *Caius Marcellus* was Brother to *Marcus Marcellus*, in whoſe Favour he addreſſed *Cæſar*, in a very humble, and, at the ſame Time, a very warm Manner.

† Before the Civil Wars, *Cæſar*, for his Succeſſes in *Gaul*, had twenty-five Days of Congratulation decreed him; an Honour, which before had never been granted to any, as he himſelf ſays, in Lib. I. *Bell. Civil.* and when the Civil Wars were at an End, he had, according to *Dio*, forty Days for the ſame Purpoſe

applauded Actions. For what you have this Day done, could be done by none but *Cæsar*; and it is characteristically his. What you did in the Field was indeed glorious, but you were then at the Head of a Body of brave Men. In this Action you stand single and unattended; an Action so great, that you may challenge Time to consume the Trophies it has reared, while every Monument, erected by Art and Labour, must yield to Age, and moulder into Dust.

But this Proof, of at once a gentle and a just Soul, shall ever be unfading. Time shall improve its Glory, in Proportion as it must consume other Monuments of your Greatness. All other Conquerors you have indeed outdone in the Virtues of Equity and Mercy, amidst the Horrors of Civil Commotion: In this Instance you have outdone yourself. But what I *express* is, I am afraid, faint, and unequal to what I *feel*. Give me Leave therefore to say, that you seem to triumph over your own Victories, by thus resigning to the *Conquered* the Fruits of your *Conquest*. For, while you had a Right by the Law of Arms, to treat us as *Enemies*, we are saved by the Judgment of your Clemency. Deservedly,

Purpose decreed to him. But the Day, here spoken of, was to be preferred to any of these; because, on it he had extended Mercy and Forgiveness, which are personal Virtues, and cannot, like the Glories of War, be shared in by others.

ſervedly, therefore, are you invincible, ſince you have taken even from Victory its Penalty and Force.

HEAR then, Fathers Conſcript, how far this Clemency of *Caius Cæſar* extends. All of us, we muſt own, who, by a ruinous Fatality attending this Empire, were impelled to Arms, are, in ſome Meaſure, liable to the *Imputation* of human Infirmity; yet are we now exempted from its *Penalty:* For, though he preſerved to his Country *Marcus Metellus*, at your Interceſſion, yet did he unaſked and unſollicited reſtore me to myſelf, and the State, and the reſt of thoſe honourable Men, to themſelves and to *Rome*; hence you ſee this Aſſembly ſo numerous, and ſo full of Dignity: He did not bring within theſe Walls his Enemies, but he judged that his Oppoſers were moſtly hurried into Arms from Ignorance, from miſtaken, from groundleſs Fears, rather than Ambition and Cruelty.

IN that War, indeed, my Sentiments were ſtill for the lenient, the healing Meaſures of Peace: Much was I grieved, that not only an Accommodation, but the Voices of thoſe *Romans* who implored it, were ſlighted. Never was I active in theſe, or any other civil Commotions; my Voice and Thoughts were ever intent on the

gentle

gentle Arts of Peace, and averſe from War and Bloodſhed. I attended the Man * in a *private*, and not in a *public* Capacity; and ſo ſtrong were the Ties of Gratitude on my Mind, that, *unexpecting* and *undeſiring*, *conſcious* and *cool*, I plunged into what I thought *unavoidable* Perdition.

My Advice upon this Head was neither dark nor ſecret. While Matters were yet intire, with unwearied Pains I recommended Peace to the Senate, and at the Peril of my Life did I deliver my Sentiments of this War. Therefore no Man can judge ſo partially, as to doubt of *Cæſar's* Way of Thinking in this Reſpect, ſince his firſt Cares were employed to preſerve the Adviſers of Peace, while to others he was more reſentful. This perhaps might not be ſo ſurprizing, while Victory was balanced, and Events doubtful. But the Man, who, when victorious, loves the Counſellors of Peace, gives a noble Proof, that in his Eyes it is more eligible not to *fight* than to *conquer*.

And indeed on this Head I am an Evidence for *Marcus Marcellus*; our Sentiments, not as to Peace only, but as to War, were always the ſame. How often, and in what an Agony

* Meaning *Pompey*, whom he does not think either decent or prudent to name.

ny have I ſeen him trembling at the inſolent Behaviour of certain Perſons *, and the barbarous Extremities to which Victory might tranſport them? Hence, O *Cæſar!* we, who had Experience of all this, muſt needs have a more exquiſite Reliſh of your Generoſity; for we are not now weighing the Principles of Action, but the Conſequences of Victory †.

We beheld your Victories cloſe in the Field where they were won, and in *Rome* we ſaw not the Sword unſheathed. The *Romans* who fell, fell in the *Heat* of Battle, and not by the *Inſolence* of Conqueſt; an infallible Aſſurance that *Cæſar*, did he poſſeſs the *Power*, retains the *Inclination*, to recall from the *Shades* a Multitude of *Romans*, though once his Foes; for even now he ſaves all he poſſibly can. As to the other Party, I ſhall only obſerve, that we all trembled leſt Victory, had they been Victors, ſhould be too deſtructive.

* The chief of theſe certain Perſons, *Cicero* here has in his View, were *Lucius Lentulus*, *Lucius Domitius Ænobarbus*, *Marcus* and *Antonius*, who, rejecting all the Terms of Peace propoſed, fomented and promoted the War with all the Keenneſs imaginable.

† Though *Cicero* often aſſerts, that the Cauſe of *Pompey* was far better and juſter than that of *Cæſar*, yet here he drops the Juſtice of the Cauſe, and pays *Cæſar* a very great, and at the ſame Time a very deſerved, Compliment upon the happy Effects of his gaining the Victory over *Pompey*; whoſe Victory, if he had gained it, would have been intolerable, upon Account of the Pride and Arrogance of thoſe who were of his Party.

NOT only the Armed, but the Unactive, were insolently threatened by some among them, and they declared they would not enquire *what a Man thought*, but *where he was:* So that to me it seems as if the immortal Gods (who, that some Crime of the *Romans* might be expiated, drove them into the cruel Calamity of Civil War) being now either appeased or satiated, had rested all the Hopes of our Pardon on the Wisdom and Clemency of the Victor.

THEREFORE, Sir, be proud of this amiable Quality, while you reconcile the Enjoyment of Power and Glory, to the Indulgence of your Nature and Disposition. The most fruitful Source of Pleasure to the Wise! When you reflect on other Circumstances that raised you to Greatness, much shall you attribute to your Courage, but more to Fortune. But never can you call to Mind Us, whom with yourself you have reserved to see the Salvation of your Country, without awakening the pleasing Ideas raised by reflecting on your extensive Benevolence, amazing Generosity, and unparalleled Wisdom: Virtues that form, I will not say the *highest*, but the only Blessing of Life. For such is the Effulgence of Genuine Glory, so great the Dignity that beams from Magnanimity and Wisdom, that these seem the *Gift of*

Virtue,

Virtue, and all other Circumſtances the *Loan of Fortune*. Indefatigably therefore, perſevere in pardoning the Good, eſpecially thoſe who fell not by Ambition or Corruption, but deluded, by perhaps a *fooliſh*, but ſurely a *well-meant*, Notion of what was their Duty, and the ſpecious Pretences of public Good. It is not owing to you, if ſome feared your Reſentment, but it crowns your Glory, that the World in general is ſenſible, how little Foundation they had for their Fears.

Now proceed I to your heavy Charge and gloomy Suſpicions *; all which ought to be guarded againſt, not more by you, than by every *Roman*, eſpecially by us whom you have preſerved: And, tho' I hope they are groundleſs, yet never ſhall I endeavour by my Expreſſions to extenuate them; for your Circumſpection is our Safety; and were I to err on any Extreme, it ſhould be that of *too much Caution*, rather than *too little Prudence*. But who can be ſuch a Madman? Is he of your Friends? Who can be more ſo than they whom, contrary to their own Expectations, you brought from Ruin! Is he of thoſe who followed you to the Field? Where is the Wretch ſo frantic, as not to prefer,

* When *Marcellus*'s Brother threw himſelf at the Feet of *Cæſar*, and warmly and humbly applied for a Pardon to him, *Cæſar* made very grievous Complaints of *Marcellus*, and ſaid he ſuſpected he intended to lay Snares for him.

fer, even to his own Life, the Life of the Man, under whoſe Command he has riſen to all that Ambition could wiſh! But, if your Friends enter into no Conſpiracy, may not your Foes! Where are theſe to be found! For all, who formerly were ſo, either owed their Death to their own *Stubbornneſs*, or their Life to your *Mercy*. Thus no Man who ever was your Foe is alive, or, if alive, he is now your determined Friend.

YET as the Mind of Man is ſo dark, and ſo impenetrable, we ought to increaſe your Diſtruſt, and at the ſame Time your Circumſpection. For ſhew me the Man ſo new to the Affairs of Life, ſuch a Novice in this State, ſo unheeding either his own or the common Safety, as not to be ſenſible, that in your Preſervation his own is included, and upon your Life depends the Life of every *Roman*. For my Part, when I meditate Night and Day with due Attention on the Accidents of Life, the uncertain Enjoyment of Health, and the Frailty to which Nature is ſubjected, I tremble, I grieve, that this State, which ought to be eternal, ſhould exiſt in the Breath of one Mortal. But if, with human Accidents and doubtful Events depending on the natural Conſtitution, Treaſon and Villany ſhall co-operate, to me it appears,

appears, that a God, were he *willing*, muſt be *unable* to ſave this Country.

By you alone, O *Cæſar!* every Thing, which you ſee overthrown and overturned by the unavoidable Calamities of War, is to be replaced: Public Juſtice muſt be reſtored, public Credit retrieved, the Luſts of Mankind ſuppreſſed, the Race of Mankind propagated, and every drooping Branch of the Conſtitution, that now hangs its Head, is to be reared and ſupported by the wholeſome Severity of Laws. There is no Denying that in ſo fierce a Civil War, amidſt ſuch a Combuſtion of Arms and Opinions, in every Event the State muſt receive a Shock, by the beating down ſome of her moſt graceful Ornaments and firmeſt Bulwarks. For the Head of each Party, in the Storm of War, was forced on many Meaſures which he would have diſapproved of in the Calm of Peace. You alone are the Phyſician to bind up theſe bleeding Wounds of your Country, and every Application from any other Hand muſt prove ineffectual.

With Reluctance therefore did I hear from your Mouth that Saying, which diſcovered at once the Hero and the Philoſopher: *That you had lived long enough, either for Nature* or for Glory.*

* *Cæſar* was now in the fifty-fourth Year of his Age.

Glory. Enough if you will, for *Nature*; nay, I will add for Glory too; but ſurely not for the chief Purpoſe of Life, *your Country!* Give, Give over, therefore, I conjure you, that philoſophical Contempt of Death *. Do not be a Sage, at the Expence of your Country: For it has often reached my Ears, that it is commonly in your Mouth, *that you have lived long enough for yourſelf* †. True! if I could ſuppoſe that you lived for yourſelf, and was born for yourſelf alone. But now that your Courage and Conduct are connected with the Safety of *Romans*, and the Conſtitution of *Rome*; ſo far are you from having *completed*, that you have not yet laid the *Foundation* of theſe great Deſigns you meditate. Thus you limit your Life, not by the Good of your Country, but the Calmneſs of your Sentiments; yet even that is not enough for the Purpoſes of Glory; which, wiſe as you are, you muſt own to be the *ruling Paſſion* of your Soul.

SHALL *I then*, ſay you, *leave behind me but a ſcanty Portion of Glory?* No, Sir; to others it

* In the Original the Words run thus: *Quare omitte Quæſo iſtam doctorum hominum in contemnenda morte prudentiam*; which I choſe to tranſlate in a general Way, for the ſake of the *Engliſh* Reader, who is unacquainted with the Sentiments and Reaſonings of the *Stoics* upon *Death*, and the Contempt of it.

† *Suetonius*, in his Life of *Julius*, Cap. 86, informs us, that *Cæſar* gave ſome of his Friends good Grounds to ſuſpect, that he did not wiſh to live any longer, and that he was not grieved at his enjoying ſo bad a State of Health.

it would be *sufficient*; but to *Cæsar* it is but *scanty*. For what considered by itself is *great*, may prove but *little*, when compared with the Degrees to which it may be extended. But if you are to crown all your immortal Actions, by leaving *Rome* in her present State, after subduing your Enemies, beware, great Sir, lest all the Divine Virtues you possess excite not *Admiration*, rather than impart *Glory*. For Glory, true Glory, is the bright, the diffusive Herald of all the Praise, which the Lover of his Country, and the Lover of Mankind deserves.

THIS Scene remains yet to be performed; with this Catastrophe must you wind up the Action of Life; that you settle the Constitution, and depart in Peace, after beholding and enjoying the Tranquillity and Salvation of your Country: Then, when you have paid all you owe to *Rome*, and when Nature is satiated with living, you may pronounce that *you have lived enough*. But what! after all; is this *enough?* Is it a Period that cancels all Consciousness, and debars all Reflection, as to every past Joy of the Soul! Yet a Soul like yours, unbounded by the narrow Limits of Life, which Nature prescribes to us, has ever burned with a Passion for Immortality.

BUT your Life consists not in the Union

of the Soul and Body; of your Life, *all Time* ſhall be the grateful *Recorder*, Poſterity the careful *Nurſe*, and Eternity the faithful *Guardian*. For theſe muſt you labour, and by them you muſt be approved. Long have you performed Actions that may *amaze* them; it is now expected you ſhould do ſomewhat to *delight* them. Poſterity no doubt will be ſtruck, when it hears and reads of your Conqueſts*, your Commands, the *Rhine*†, the Ocean‡, the *Nile*§ your countleſs Fights, and incredible Victories, your Trophies, your Largeſſes ¶, and your Triumphs||; but, if the Conſtitution of this City** is not ſtrengthened by your Counſels, and guarded by

* *Cæſar* had before this Time been General in *Gaul*, *Britain*, *Germany*, and *Africa*.

† *Cæſar* firſt built a Bridge over the *Rhine*, croſſed it with his Army, and ſubdued the *Germans*.

‡ *Cæſar* firſt paſſed with a Fleet into *Britain*, which is ſurrounded with the Ocean.

§ He overcame King *Ptolemy* in *Egypt* which the River *Nile* waſhes.

¶ After any Victory it was cuſtomary for the *Roman* Generals to give ſuch of their Soldiers, as had behaved well, a *Congiarium*, which, among the *Romans*, was a general Name for all Preſents given on that Occaſion, whether Money, Corn, *&c.* In this Paſſage *Cicero*, probably, has an Eye not only to theſe, but likewiſe to his Huntings, Feaſts, Theatrical Entertainments, *&c.* all which came under the general Denomination of Largeſſes.

|| *Cæſar* triumphed five Times, over *Gaul*, *Pontus*, *Egypt*, *Africa*, and *Spain*. Vide *Velleius Paterculus*, Lib. 3.

** What a glorious Proof is this, at once, of the Honeſty of our Orator, and the Greatneſs of *Cæſar*'s Soul? The former does not, as a Man of abandoned Principle, and no Addreſs, would have done, ſooth in his the Uſurpation, by holding forth

by your Laws, your Fame may traverſe and flutter through the World, but never can fix it to one collective Point of Glory. In future as well as in the preſent Age, great will be the Difference of Opinions; while ſome immortalize your Actions, others perhaps may wiſh that ſomewhat, nay, a great deal more, had been done; unleſs, by eſtabliſhing the Happineſs of your Country, upon the Extinction of civil Diſcord, you prove that the one was the Work of Fate, the other of Wiſdom.

Submit, therefore, to the Judgment of diſtant Poſterity, a more impartial Judge, if I miſtake not, then the preſent Age; becauſe their Sentiments muſt be uninfluenced by Love,

forth how much happier *Rome* muſt be under his abſolute Sway, than ſhe was under her former Government, and then proceed to extol the Equity and Juſtice of his Cauſe, and the Principles upon which he took up Arms: No, he either draws a Veil over all theſe Points (which he could not have advanced without the moſt groſs Contradiction of all he himſelf had been acting and profeſſing) or caſts them into ſuch a Light, as makes it plain that he tacitly blames *Cæſar:* At the ſame Time, with inimitable Addreſs he launches out upon *Cæſar*'s Qualities; his Courage, his Conqueſts, and his *Virtues of Humanity, &c.* all which his Foes confeſſed, and the moſt rigid Republican muſt have owned. But, at the ſame Time, our Orator, with an honeſt Boldneſs, tells him, that it was expected the Fruits of all theſe Qualities and Virtues, were to be the Reſtoration of the *Roman* Conſtitution, and a Total Forgiveneſs of all that was paſt; otherwiſe as he inſinuates, they muſt be looked upon as ſpecious Views: This was a Language which a Tyrant of a leſs generous Turn of Mind, than *Cæſar* had, might have ſeverely reſented; but we find, that he was ſo far from Reſentment, that this glorious Inſtance of our Author's Freedom and Friendſhip, only excited his Deſire to hear him ſpeak upon a like Subject again, which Opportunity ſoon preſented, in the Caſe of *Ligarius.*

Love, Ambition, Hatred, or Envy. But if, as ſome falſely reaſon, you ſhall then be unconcerned at all this *, yet ſurely now it muſt affect you; now you muſt aſpire to act ſo as that your Glory may never ſink into Oblivion.

The Affection of the Citizens were different †, and their Sentiments divided; for not only did we oppoſe one another in *Party* and *Principles*, but in Arms and in the *Field*. A certain Miſtake prevailed; the Heads of both Parties were the moſt illuſtrious Men in *Rome*; many doubted which was in the right; many, what was moſt *expedient* for themſelves; many what moſt *decent*; and a few, what was moſt *lawful:* The Commonwealth at length got over this ruinous, this deſtructive War: Victory favoured the Man who did not inflame his Reſentment by Conqueſt, but ſoftened it by Clemency; the Man who did not adjudge to Exile, or to Death ‡, the Enemy at whom he was exaſperated. Some quitted their Arms §; they

* Here *Cicero*, gently, and without any Breach of good Manners, reprehends *Cæſar*, who, according to *Salluſt*, believed that the Souls of Men were not immortal, but ceaſed to exiſt immediately after their Separation from the Body.

† In the Civil Wars, ſome of them ſided with *Pompey*, and others with *Cæſar*.

‡ It was with Reluctance that *Cæſar* put to Death *Fauſtus*, the Son of *Sulla Africanus*, and *Lucius Cæſar*, a Youth.

§ Upon *Pompey*'s being overcome, ſome voluntarily quitted their Arms, and others did not; but theſe laſt, having followed *Scipio*, and *Cato* into *Africa*, had their Arms taken from them, upon their being vanquiſhed.

they were forced from others. That Citizen is unjuſt and odious, who, when Hoſtilities are laid aſide in the Field, retains them in his Boſom; much more juſtifiable is he *, who lays down his Life in the Field of Battle, and ſeals with his Blood the Cauſe he has embraced; for what ſome will think *Stubbornneſs*, others will imagine to be *Conſtancy*.

But, becauſe all civil Diſcord is now either ſubdued by the Arms, or extinguiſhed by the Clemency, of the Victor, it only remains, that every wiſe Man, every Man who is not a downright Ideot, ſhould own the ſame Allegiance. It is, O *Cæſar!* only by your remaining ſafe and fixed in the ſame Principles which you have heretofore, but this Day more particularly, expreſſed, that we can be preſerved. Therefore, all of us, who wiſh the Proſperity of our Country, beg and intreat, that you would provide for your Life and Safety; and all of us (I ſpeak for others what I myſelf feel) as you ſuſpect ſome Reaſon to be cautious, promiſe not only to guard you by Day, and to watch you by Night, but to form with our own Bodies †, and,

* There is a great Difference of Readings here. Some Copies admit a *Quam*. I have tranſlated it as I find it in the Text of *Grævius*, though I do not think the Turn of the Period to be quite in *Cicero*'s Manner.

† *Plutarch*, in his Life of *Cæſar*, informs us, that ſome of his Friends obteſted him to ſet Guards upon his Perſon; and, when

and our own Breaſts, the Wall of your Defence.

BUT, that I may end as I begun; the Thanks we now return you, *O Cæſar!* are great; and thoſe we have in Reſerve are greater ſtill: For our Prayers and Tears are, on this Occaſion, convincing Proofs, that we are all of the ſame Mind; but, as there is no Neceſſity that we ſhould all deliver ourſelves formally, they leave that Part to me, who am under a kind of Neceſſity to expreſs whatever is becoming on ſuch an Occaſion, as that of reſtoring *Marcellus* to this Senate, to the People of *Rome,* and to the Boſom of his Country; for I perceive that this univerſal Joy ſprings not from a Senſe of the Preſervation of one Man only, but from the Good of the Whole.

MY Regard and Friendſhip for him was ſincere and diſintereſted; a Friendſhip ſo plain to all the World, that it ſcarcely yielded to that of his excellent, his affectionate Brother *Caius Marcellus,* and, if to him, to Nobody elſe; ſince no Pains, no Anxiety, no Toil, was wanting in me while his Preſervation was doubtful. And this ſure is a Duty which I ought

when many of them offered their Aſſiſtance in that Affair, he refuſed it, ſaying, It was better once to die, than to be daily racked with the Expectations of Death.

ought to perform in an Hour, that has delivered me from ſuch Anguiſh, ſuch Vexation, and ſuch Anxiety. Therefore, *O Cæſar!* I here return you Thanks, inſomuch as, by this ſingle Act, you have crowned all your former Favours, of preſerving my Life and adding to my Dignity: Yet this is an Acceſſion, which I thought the innumerable Obligations I already owed you, could not have admitted of,

THE

ARGUMENT.

THE following Oration, one of the most celebrated that ever Tully *pronounced, was owing to a Law preferred by* C. Manilius, *a Tribune of the People, constituting* Pompey, *General in the great War with* Mithridates *and* Tigranes. Pompey *having at the same Time the Command of a fine Fleet, by which he had suppressed the Pyrates, some* Roman *Patriots, from a laudable Jealousy of great Power vested in one Man's Person, opposed this Law, upon the Principles of the* Roman *Constitution, which never admitted one Man into such a Number of Posts, nor gave him so extensive a* Command, *as to put it in his Power to destroy the Liberties of his Country; except in Times of the most imminent Danger to the State, and then a* Dictator *was chosen, an Office determinable in a short Time. The Scope of this Oration is to prove the Exigencies of the State to be so pressing, that there was an absolute Necessity for committing the War into the Hands of* Pompey. *This introduces a pompous Panegyric*

gyric upon that Hero, and several oblique Reflections upon his Rivals in the Army.

Cicero *was then first* Prætor; *and this Oration was delivered from the* Rostrum *to the Body of the* Roman *People; in the Consulate of* M. Æmilius Lepidus, *and* Lucius Volcatius Tullus: *In the 687th Year of* Rome, *and the 41st of* Cicero's *Age.*

THE

M. T.

CICERO's ORATION FOR THE *MANILIAN* LAW.

THOUGH I am always charmed with the Fulneſs and Frequency of this Aſſembly, and, *Romans*, though the Majeſty of this Place* gives Dignity to Counſel, and Weight to Debate; yet not

* *Cicero* here means the *Roſtra*, which in the Conſulſhip of *Lucius Furius Camillus* and *Caius Mænius*, were built of the Stems of *Antian* Veſſels, and ſet apart as the proper Place for enacting Laws, pleading Cauſes, and delivering Speeches to the People: Here, none were allowed to ſpeak, but Men of the firſt Note, and ſuch as bore Offices of Dignity in the State. From the *Roſtrum* the Speaker addreſſed himſelf to the People only; but the Manner of ſpeaking before them was widely different

not through Choice, but the Situation attending my early Purpofes of Life, have I hitherto been ſhut out from this Career of Glory, ever open to the Worthy and the Wiſe. For, as my Youth debarred me from the Honour of mounting this *Roſtrum*; and as I was determined to deliver from hence nothing but what Genius ſhould dictate, and Art compleat, I thought myſelf obliged to crowd into that Interval of Life every Duty that Friendſhip and Humanity required.

WHILE this Place, therefore, was filled with a Succeſſion of *Roman* Patriots, I acted in the Character of a private Pleader, with ſuch a Purity of Hands and Heart, that your Suffrages have raiſed it to a full, a glorious Reward. For, when the Election was thrice adjourned, I was as often returned* *firſt Prætor* by the aſſembled Centuries of *Rome*, and thus learned, from

ferent from that uſed before the Judges: The former were at once to be inſtructed and charmed, and conſequently, all Addreſſes to them to be embelliſhed and elegant: The latter were only to be informed, and he that ſpoke before them was to uſe a Stile more conciſe and ſimple.

* In the Infancy of the City, there was firſt but one Prætor; then two; in the Time of *Sylla*, the Dictator, eight; and laſt of all, ten, on account of the Largeneſs of their Empire, and Number of their Citizens. Theſe Prætors received their reſpective Degrees of Authority from the People; but they were conferred by Lot; for the different Powers of the Prætors being

your Sentiments of me, what Qualifications you require in another. Now, that in my Perſon is veſted the Power which you communicate to the Offices I enjoy, and as my Capacity in Buſineſs has been improved by unwearied Application in the *Forum*, and on almoſt daily Practice in Pleading; ſure, if I poſſeſs ſuch Powers, I ought to exert them for thoſe who beſtowed them; and, if the Effects of my Pleading are any ways conſiderable, let me diſplay my Eloquence to the People, whoſe Voices crowned it with this ſignal Reward.

In the firſt Place, I think, I have Reaſon to congratulate myſelf, that, unaccuſtomed as I am to ſpeak in this Manner, and from this Place, ſuch a Subject has preſented, that tips even the unpractiſed Tongue with Eloquence. The Virtues, the amazing Virtues of *Pompey* are

ing wrote down, and thrown into a Cheſt or Urn, every one exerciſed that which Chance had given him: Thus two of them had the Management of private Trials committed to them; the one the *City Prætor*, who adminiſtered Juſtice to his Fellow-Citizens only; the other, the *Foreign Prætor*, who decided in the Affairs of their Allies, and all Strangers: Of the remaining eight, two were Judges in Caſes of Murder; one of Extortion; one of embezzling the public Money; one of Corruption; one of Fraud; one of Treaſon; and one of Violence: And at laſt, under the Emperors, the two *Prætores Cereales* were created, whoſe Office it was to give Judgment with Regard to *Depoſita*, or Things committed to any one's Truſt and Charge: And likewiſe the *Prætor Tutelaris*, whoſe Buſineſs it was to ſee that Tutors ſhould act an honeſt Part, to take Care of the Pupil's Intereſt, and accept of the Tutorage transferred to him.

are to be my Theme; a Theme, on which the Speaker muſt dwell with ſuch Rapture, as puts him in a Difficulty where to ſtop, rather than how to begin: Thus my Buſineſs at preſent is not to ſearch for Materials, but to ſet Bounds to my Oration.

THAT it may therefore ſet out with the Subject for which we are aſſembled: A ruinous War is carried on againſt your Tributaries and Allies, by two mighty Monarchs*, *Mithridates* and *Tigranes*. The firſt of theſe Princes being abandoned * † after he was conquered; and the other provoked‡, attempts to make himſelf Maſter of all *Aſia*: Letters are daily brought from *Aſia* to ſome *Roman* Knights, all Men of

 Honour,

* Theſe were *Mithridates* and *Tigranes*; the former of whom *Cicero* in his *Lucullus*, pronounces the greateſt of Kings next to *Alexander*: He drove *Nicomedes* out of *Bithynia* and *Ariobarzanes* out of *Capadocia*. The latter, *Tigranes*, is by *Plutarch* ſtiled the *King of Kings*: So great was his Power, that, having driven the *Parthians* out of *Aſia*, he tranſplanted the Cities of *Greece* into *Media*, and ruled *Syria* and *Paleſtine*.

† *Mithridates* being routed, and on the very Point of being taken Priſoner by *Lucullus*, was after all left in this Situation; this was owing to the avarice of the Soldiers, who, inſtead of purſuing him in his Flight, was wholly taken up in amaſſing the Treaſure he had induſtriouſly ordered to be ſtrewed in the Roads, to allure and detain his Purſuers, till he ſhould make his Eſcape to *Tigranes*, his Son-in-Law.

‡ *Lucullus* bore ſo hard on *Tigranes*, upon his refuſing to deliver up *Mithridates*, that after taking Poſſeſſion of *Tigranocerta*, the City of his own Reſidence, with a ſmall Body of Men he twice routed his numerous Forces; upon which, the deſperate Situation of his Affairs made him abandon *Mithridates*, and fly into the Skirts of *Armenia*.

Honour, who have a great Intereſt depending upon the Collection of your Revenue: Theſe, on account of my near Connexion with their Order, laid before me the Intereſt of the Public, and the Ruin to which their own private Fortunes were expoſed; they ſhewed me that a great Number of Villages in *Bithynia* *, now a *Roman* Province, are burned down; that the Dominions of *Ariobarzanes* †, which border on thoſe of your Tributaries, are wholly in the Hands of the Enemy; that *Lucullus*, after performing Wonders, is retiring from that War; that his Succeſſor was but ill provided for the Execution of ſo important a Commiſſion; that one General was pointed at and demanded by the Voice of every Ally, of every Citizen of *Rome*, as the only Man alive, who ſtrikes Terror into our Enemies.

Thus have I laid down the Point in Queſtion; but how you ſhall determine lies in your own Breaſts. My Duty, I think, now leads me

* *Bithynia* is a Country of the Leſſer *Aſia*, lying towards *Pontus*, oppoſite to *Thrace*, and adjoining to *Troas*. *Nicomedes* was King of this *Bithynia*; from which being baniſhed by *Mithridates*, he was again put in Poſſeſſion of it by *Sylla*; but he, ſoon after dying, left the *Roman* People Heir to this Kingdom, which the Republic reduced into the Form of a Province.

† *Ariobarzanes* was King of *Capadocia*, and an Ally of the People of *Rome*. He was thrice forced to quit his Dominions by *Mithridates*, and twice by *Lucullus*; but, after the Defeat of *Mithridates* and *Tigranes*, he was re-eſtabliſhed in his Dominions by *Pompey*.

me to ſpeak firſt of the Nature, then of the Greatneſs of the War; then of a General proper to manage it. Its Nature is ſuch as to demand all your Reſentment, and to arouſe all your Courage: That Glory, which on all Occaſions was great, but in the Field greateſt, the Glory tranſmitted by your great Fore-Fathers, into your Hands, the Safety of your Friends and Allies, purchaſed by the beſt Blood of your Anceſtors: The ſureſt, and the faireſt Revenue* of *Rome*, that Revenue, which alone communicates Dignity to Peace, and Succeſs to War; in ſhort, the Fortunes of Numbers of Citizens, now depending upon the Protection of you and your Generals, are all at Stake.

AND becauſe the Thirſt of Glory † is greater, and the Paſſions for Fame ſtronger in you, than in any other People, you are to wipe out that Stain, that obſtinate, that deep Pollution of *Roman* Glory, contracted in the laſt *Mithridatic* War;

* There were among the *Romans* two Kinds of Tributes; the one, fixed and ſtated, which (being laid upon the Individuals of the State, and upon the Ground) was levied every Year; and thoſe who paid it were called Tributaries: The other, caſual and extraordinary, as being only enjoined by a particular Edict, or Decree, of the Senate, according to the Exigencies of the State; nor could they be laid out any where, ſave at *Rome*, by the Cenſors.

† The Paſſion for military Glory ran ſo high in the Breaſts of the *Romans*, that from the Building of the City, till its being ſurprized by the *Gauls*, i. e. for above three hundred and fifty Years they ſerved Campaigns *gratis*, and without any Pay from the State.

War; when the Tyrant in one Day *, over all *Asia*, thro' so many States, by the Contents of a single Letter marked out the Citizens of *Rome* to bleed, and to be butchered; and this he not only did with Impunity, but now counts the twenty-third Year from that Æra of his Royal Barbarity: He still reigns, nay, reigns with Insolence; not that he does lurk within *Pontus* or *Cappadocia*, but emerges from the Limits of his paternal Inheritance, and breathes the Air of your tributary Dominions, that is, of *Asia*.

FOR hitherto your Generals have fought on such a Footing with this Prince, as to carry off the Trophies of Victory, but not Victory itself. *Lucius Sylla* has triumphed, † *Lucius Muræna*

* *Mithridates* sent Letters to all the Governors of the Cities of *Asia*, enjoining them, on the thirtieth Day after the Receipt of the said Letters, to kill, not only all the *Romans*, but all the Inhabitants of *Latium*, with their Wives and Children; and to leave their Bodies unburied, a Prey to the wild Beasts: Upon this, so great was the Execution done, that in one Day an hundred and fifty Thousand were slain. Concerning this, see *Appian*, in his Book intitled *Mithridaticus*; and *Plutarch*'s Life of *Sylla*.

† When at *Rome* Seditions were again raised by *Cinna*, *Carbo*, *Sertorius*, and *Marius*; and a great many of the most considerable Men of the Commonwealth killed; *Sylla* having concluded a Peace with *Mithridates*, by the Senate's Orders, returns to *Rome*, to quell these Tumults, leaving *Muræna* behind him to settle the Affairs of *Asia*, who disregarding the Terms of Peace, and fired with the Love of military Glory, at first undertook small, and afterwards greater Expeditions against *Mithridates*: But *Sylla*, thinking it a Reproach to *Roman* Honour not to stand to the Articles of Peace, called *Muræna* out of *Asia*.

Muræna has triumphed, over *Mithridates*. These two were brave Men, and accomplished Generals: Yet their Triumphs were such as to leave him, amidst all his Defeats and Disgraces, in Possession of Empire. But what was done by these Generals deserve *Praise*, and what was left undone, *Pardon*; for the Concerns of the Public recalled *Sylla*, and the Commands of *Sylla* recalled *Muræna* from the Prosecution of that War.

BUT *Mithridates* employed the Interval, not in Endeavours to efface the Remembrance of the last, but in concerting the Operations of a new Campaign. After he had built and fitted out vast naval Armaments, and taken into Pay an immense Body of Land-Forces from every Quarter where they could be had, he pretended that these Preparations were designed against the *Bosphorani**, his Neighbours: He next sent Commissioners from *Ecbatana* to the General we were then at War with in *Spain*; that being obliged to make Head both by Land and Sea against two Enemies acting in Concert, though in very distant Places and embarrassed by this Plan of a double War, your Empire might become the Prize of Conquest. But one

* The *Bosphorani* are the Inhabitants of *Bosphorus*, in *Thrace*, bounded on the East by *Pontus*. Upon *Sylla*'s Return into *Italy*, *Mithridates* waged War against them, and, having conquered them, gave them his Son *Ælchares* for their King.

Part of this Storm that proceeded from *Sertorius* and *Spain**, which was by far moſt threatening, and moſt collected, was diſſipated by the divine Conduct, and unparalleled Courage of *Pompey*. In the other Scene of Action, *Lucullus*, that great Man acted in ſuch a Manner, that his Entering upon Action, which was great and glorious, deſerves to be attributed rather to his *Virtue* than to his *Fortune*; and theſe laſt and late Accidents to *Miſchance*, not to *Miſconduct*. But of *Lucullus* I will ſpeak elſewhere; and, *Romans*, I will ſpeak in ſuch a Manner, that he ſhall be ſtripped of no real Deſerts, nor cloathed in any imaginary Merit. But, as the Purport of my Speech is the Glory and Honour of your Government, ſee what ought to be your Reſentments upon this Occaſion.

Your Fore-fathers often entered into War, to revenge the Inſults and Injuries affecting their Merchants and Seamen. With what Reſentment then ought you to be fired, when by a ſingle Expreſs, and at a peremptory Hour, ſo many thouſand *Roman* Citizens are put to the Sword? Some Circumſtances of Inſolence, offered to their Commiſſioners, were by your Anceſtors

* *Sertorius*, a Partizan of *Marius*, upon the Return of *Sylla*, made his Eſcape, with *Cinna*, into *Spain*; where becoming mighty popular, he often routed the *Roman* Armies; but being outlawed by *Sylla*, he was betrayed by *Marcus Antonius*, *Marcus Perpenna*, and ſome others, who were let into the Plot, and ſlain at an Entertainment in the Year of the City 681. Thus *Florus*, *Plutarch*, and *Appian*.

Anceſtors thought a juſtifiable Reaſon for the utter Demolition of *Corinth* *, that EYE of all *enlightened* GREECE: And ſhall you tamely and coolly bear the Tyrant, by whom a *Roman* Ambaſſador, who had been your Conſul, felt the Whip and the Wheel, was bound and butchered? Your Fathers reſented every Infringement of *Roman* Liberty; and ſhall you ſupinely overlook the Murder of *Roman* Citizens? Theſe avenged even a verbal Inſult upon the Dignity of their Repreſentative; and ſhall the Blood of a *Roman* Ambaſſador, ſhed in a cruel ignominious Manner, cry for no Vengeance from you?

ROMANS, beware, beware! leſt, as their tranſmitting to your Hands this Extent of Empire

* *Corinth*, a City of *Greece*, ſituated by the *Iſthmus*, between *Peloponneſus* and *Greece*, was in theſe Days ſo rich and powerful, that it was by *Leptinus* ſtiled one of the Eyes of *Greece*, *Athens* being the other. It was deſtroyed by the *Romans*, under the Conduct of *Mummius*, in the ſix hundred and ſeventh Year after the Building the City; the third after the *Punic* War, and before the *Numantian* War. The Reaſon of its being deſtroyed (according to *Strabo*) was the Inhabitants beſpattering the *Roman* Ambaſſadors with Filth from the Top or Windows of their Houſes; according to *Livy* and *Aſconius*, becauſe they rejected them in Quality of Ambaſſadors, and violated their Rights; but according to *Cicero*, becauſe they demanded an Interview with them in a haughty and inſolent Manner: This *Cicero* advances, perhaps, with a View to extenuate the Fact, and heighten the Envy againſt *Mithridates*, who had exerciſed ſuch unheard of Cruelties upon a *Roman* of Conſular Dignity. The Perſons of Ambaſſadors were held ſo ſacred, that they bore either on their Heads, or in their Hands, Graſs plucked up by the Roots, from the Foot of the Altar, or *Vervain* (a ſacred Kind of Herb) that none might dare to injure them.

pire was glorious for them, your Inability to preſerve and defend it ſhould be infamous for you! What! when the preſſing Difficulties, the imminent Danger of your Allies, call out, are you to be unactive? *Ariobarzanes*, a Prince *, the Friend and Confederate of the *Roman* People is expelled his own Dominions. Two other Kings, the inveterate Foes not only of *Rome*, but of every Man who loves or ſupports her, threaten all *Aſia*: When the Imminence of the Danger obliges her, all the States, and all the Country of *Greece*, do caſt upon you an imploring Eye; but without daring, without preſuming, to think they durſt, unchaſtiſed and unpuniſhed, name the General who is to relieve them, as you have put another into that Commiſſion.

THEY ſee and know, as you do, that there is one Man, who unites in the higheſt Degree every Qualification of a General, and that he is at hand, for which Reaſon they are the more uneaſy

* An Alliance with the *Roman* People was a Matter of ſo great Moment and Importance, that it was only granted to thoſe who deſerved well at the Hands of the Republic. As a Sign of this Alliance, foreign States had a golden Crown and Goblet ſent them, and a Chair of State, in which they might ſit next to the *Roman* Emperor; together with an ivory Sceptre, and a painted Garment, all guarded by a Company of Horſe. But what gives the greateſt Light in this Paſſage of *Cicero*, is a *Greek* Inſcription upon one of *Ariobarzanes*'s Medals, which runs thus; Βαςιλεως Αριοβαρξανους Ρομαιν Ευςιβουε. *The Coin of King* Ariobarzanes, *who is happy on Account of his Alliance with the* Romans.

eaſy to be without him. A Man, by whoſe very Approach and Name, tho' he acted in the Character of a Sea-Officer*, they perceived the Enemy to be diſconcerted and defeated. They, becauſe they dare not ſpeak out, ſilently implore you that you ſhould conſider them as worthy in common with the other Allies at *Rome*, to be ſaved and protected by ſuch a Hero. This Requeſt is the more reaſonable in them as we have ſent into their Provinces Men cloathed with the higheſt Character, who defended them indeed, but whoſe March into their Cities had almoſt all the Effects of military Execution after a Storm. But him they have now in their Eye they formerly heard, and now they feel, to be ſo temperate, ſo gentle, and ſo humane, that happieſt appears that People among whom he longeſt reſides. Therefore, if without any perſonal Provocation being offered to themſelves, but purely on Account of their Allies, your Anceſtors fought with *Antiochus* †, with *Philip* ‡, with the

* At this Time a vaſt Number of Pirates infeſted the Seas and put an intire Stop to all Commerce; by the *Galinian* Law, *Pompey* was ſent againſt theſe, and purſued them with ſuch Vigour, that in thirty Days Time he drove them out of thoſe Seas, without the Loſs of one of his own Ships.

† When *Antiochus*, King of *Syria*, had made an Alliance with the *Ætolians*, in Conjunction with whom he was waging War upon the Conferate Cities of *Greece*, eſpecially *Lyſimachia*, which was redemanded by the *Roman* People, he ſent *Glabrio* againſt them.

‡ The *Philip* here ſpoken of, was indeed King of *Macedon*, though not the Father of *Alexander*, but another who reigned long

the *Ætolians* and the *Carthaginians**; what keen Resentment ought you, who have been personally injured, to shew, in a Quarrel, wherein the Dignity of your Empire is united with the Preservation of your Allies; especially when the finest Revenue of your Government is at Stake? For, *Romans*, the Revenues of the other Provinces are but just sufficient to defray the Expences of protecting them; but *Asia* is so rich, so fertile†, its Crops so plentiful, its Fruits so various, its Pastures so extended, and its Com-

long after him: The Reason why the *Romans* waged War upon him was, because he had besieged the *Athenians*, at that Time their Allies.

* When the *Carthaginians* (having entered into an Alliance with *Hierome*, King of *Syracuse)* attacked *Messana*, one of the Confederate Cities, the *Romans* waged War upon them, under the Command of *Appius Claudius*, which gave Rise to the first *Punic* War. That the Reader may not be misled in this Point of History, I must inform him, that *Cicero* does not, in this Passage, observe the Order of Time with Regard to these Wars; for the War with the *Carthaginians* was the first in the Order of Time; that with *Philip*, the second; and that with *Antiochus*, the third.

† There are three Kinds of Tributes, or Taxes, from which the *Roman* State drew very ample Revenues: The first was what they called *Decimæ*, or *Decumæ*, corresponding to our Word *Tythes*; these were exacted not only of all *Romans*, but of all the *Roman* Allies, either within or without *Italy*, who farmed public Lands; but it is to be observed, that these were for the most Part only laid on Corns, Wines, Oils, and the smaller Grains. The second was what they called *Scriptura*, a Word which, I believe, cannot be rendered by any one Word in our Language; we know well enough, however, what Idea the *Romans* fixed to it, and in what Sense they used it; they meant no more by it, than that Branch of the Revenue which was paid by those who enjoyed the Privilege of Forests, and Pasture Grounds belonging to the Public: This Part of the Revenue was

Commodities for Exportation ſo numerous, that it claims a Preference to all our World beſides. This Province therefore, my Friends, if you wiſh to make War with *Succeſs*, if you deſire to enjoy Peace with *Honour*; this Province you are not only to guard againſt the Calamity of Conqueſt, but to deliver from the Apprehenſion of Danger.

IN the other Concerns of Life, the Loſs is felt when the Diſaſter happens; but your Finances are ruined, not only in the Event, but by the very Apprehenſion of a Diſaſter: For when an Enemy approaches, though they do not invade a Country, the Cattle are turned adrift, the Fields lie uncultured, and Commerce ſtagnates. Thus no Revenue can ariſe, either from the Navigation, from the Tythes, or from the Farmers of the Public; and thus the very Dread of Danger, the very Apprehenſion of a War often ſinks the Revenues of a whole Year.

IN what a Situation then may you ſuppoſe the Factors, the Collectors, and the Farmers of

was probably called *Scriptura*, from the Sum agreed upon with the Maſters of the Cuſtoms for the ſaid Privilege being entered in a certain Book. The third Kind of Tax was what they called *Portorium*, which, except in a few minute Circumſtances, correſponded to our Cuſtoms laid upon Goods imported and exported.

of your Finances, while threatened with an Irruption from the formidable Arms of the two Monarchs; when a ſingle Detachment of the Enemy's Cavalry, on a haſty March, may rifle the Revenue of an intire Year! When your Officers ſhall perceive, expoſed to the moſt imminent Danger, all their numerous Colonies whom they employ in the Foreſts*, in the Fields, in Harbours, and in Garriſons; can you expect to enjoy the Labours of all theſe without preſerving the Labourers, as I ſaid before, not only from Ruin, but from the Apprehenſions of Danger?

Nor ought the laſt Point I propoſed to ſpeak to, when I touched upon the Nature of the War, to be out of your Thoughts; I mean the In-

* The Words in the Original correſponding to theſe, are in different Editions read differently; for ſome of the Commentators vigorouſly ſtand up for *in Salinis*, and others of them for *in Salictis*, being the true Reading; but, without loading the Reader with their intolerable Lumber, I ſhall only acquaint him, that the following Reaſons induced me to prefer the latter of the Readings; though I do not deny but that, according to *Pliny*, Lib. xxxi. Cap. 7. Taxes on the Salt-pits of *Rome* were appointed by *Ancus Martius*; yet it is equally certain that theſe Taxes were, upon the Expulſion of the Kings, aboliſhed by a Decree of the Senate, and never after exacted in *Rome* till the Days of *Marcus Livius*, the Cenſor, who, for being the Reviver of them, was ſtiled *Salinator*. But ſurely we never read in any Period of the *Roman* Hiſtory of their being impoſed upon *Aſia*, or any other of the *Roman* Provinces. Beſides, *Cicero* here ſpeaks of three Kinds of Tributes, but in no Part of his Works of that ariſing from Salt-pits; for which Reaſon, I am apt to think, that *Cicero* has here in his Eye the Paſture Grounds, which abounded with Groves of Willows.

Intereſt of many *Roman* Citizens: Theſe, my Countrymen, your Wiſdom directs you carefully to conſult. For the Officers of your Revenue, all Men of Worth and Wiſdom, have carried their Eſtates and Effects * into that Province. Were there no other Motive, this ſhould be ſufficient to alarm you; for, if we have ever eſteemed Finances to be the Sinews of a State, we may juſtly look upon that Body who collects them to be the Cement and Support of all our other Bodies Politic.

THEN a great Number of induſtrious active Men, of other Denominations, whoſe Intereſt you ought to take Care of in their Abſence, are ſome of them now trading in *Aſia*, while ſome of them have laid out all their own and their Family's Fortunes †, to a great Extent, in that Province. Humanity therefore dictates, that

* *Cicero* here means, that theſe Men farm the Revenues at a high Rate, that the Whole of their Subſtance was laid out in that Way: For by the *Rationes* he cannot here mean Journals and Ledgers, or whatever elſe they had equivalent to them, theſe being remitted to the Maſter of their Society at *Rome*, and depoſited in his Hands.

† Very many Citizens had their Fortunes lodged in the Hands of the trading Men, who, in the very Nature of the Thing, muſt ſuffer by the Loſſes of theſe Traders. *Plutarch* informs us, that in *Aſia* there were a great Number of Farmers, of the public Revenues, and Factors, who miſerably harraſſed that Province; and that they conſiſted of all the ſeveral Orders in *Rome*, (except the Senatorian) and eſpecially of the Equeſtrian, of which there were many who were Tythe-Farmers, Labourers, Maſters of the Cuſtoms, and Collectors of the Paſturage and Foreſt Money.

that you ſhould ſhelter ſo great a Number of *Romans* from the impending Storm; and Wiſdom, that public Calamity is inſeparably connected with a private Ruin that muſt affect ſo many Individuals. Little will it avail you, though a Victory ſhould afterwards give you back the Revenues which you loſt by your public Officers; for never ſhall you be able to farm them out again at the ſame Rate, becauſe ſome will be diſabled by their Loſſes, and others cautious from their Fears.

BESIDES, we ought to have imprinted on our Remembrance what was taught us by the ſame Province, and the ſame Prince, towards the Beginning of the *Aſiatick* War*. For we know how public Credit ſunk at *Rome*, from a general Stoppage of Payment †, occaſioned by the great Loſſes of our Fellow-Citizens in *Aſia*. And indeed it is impoſſible, when a great Number of Individuals are rendered Bankrupt in one State, to prevent the Calamity from becoming general. Save your Country from this Danger; and

* *Cicero* here points at the Time when *Mithridates*, twenty-three Years before this, ſlew, in a barbarous and cruel Manner, ſo many Thouſands of the *Romans*.

† When theſe Farmers of the public Revenues in *Aſia*, being ſlain, could not clear with their Creditors in *Rome*, it happened, that theſe in their Turn became unable to anſwer their Credit.—Thus publick Credit, which is nothing, according to *Cicero*, but an uninterrupted Adherence to Truth, in performing Promiſes and Compacts.

and believe me, that the Wealth you ſee, that the Credit which circulates in *Rome*, that the Payments made in the *Forum*, are linked with, and dependant upon, theſe *Aſiatic* Revenues; nor can theſe be ruined, without the whole Syſtem of public Credit receiving a fatal Shock. Conſider therefore, if you ought not to direct the Whole of your Counſels and Arms to ſupport a War, wherein, with the Being of your State, you aſſert the Dignity of your Reputation, the Safety of your Friends, the beſt Branch of your Revenue, and the Properties of your Fellow-Citizens.

HAVING ſaid thus much on the Nature of the War, give me Leave to touch a little on its Greatneſs; and this I will venture to ſay, that, though its Nature renders it abſolutely neceſſary, yet its Greatneſs cannot render it very formidable: On this Head I muſt chiefly labour, that ſome Particulars, which ought to awaken all your Attention, may not by you be ſlighted. And here, that every Man may be ſenſible that I will do as much Juſtice to the Character of *Lucullus*, as is due to that of a brave *Roman*, a wiſe Man, and a great General, I ſhall own that, when he arrived, the vaſt Army of *Mithridates** was furniſhed with every Thing that Neceſſity

* Theſe conſiſted of an hundred and twenty Thouſand Foot, and ſixteen Thouſand Horſe. *Vid. Plutarch.*

or Conveniency required to the Field; that *Cyzicum*, the nobleſt City of *Aſia**, and the deareſt Ally of *Rome*, was beſieged, and vigorouſly preſſed by this Prince, at the Head of a formidable Army; and that the Application, the Courage, and the Conduct of *Lucullus* freed it from that imminent Danger.

LET me add, that a ſtrong and a gallant Fleet, fitted out to invade *Italy* †, under the Conduct of the *Sertorian* Generals, who burned with the Thoughts of Revenge, was by *Lucullus* conquered and ſunk; that in numberleſs Engagements ‡ beſides great Bodies of the Enemy's

* *Cyzicum*, the moſt conſiderable City of *Aſia*, was beſieged on all Sides, both by Sea and Land, by *Mithridates*, with ſeveral Inſtruments of War, and a wooden Turrit an hundred Cubits high; but, all Proviſions being intercepted from him by *Lucullus*, he was obliged to raiſe the Siege. Our Author calls it, *Urbem Aſiæ clariſſimam*; not, perhaps, from its being the chief City of *Aſia* in Point of Riches, or Power, but with regard to its Fidelity and Loyalty towards *Rome*. See his Oration for *Muræna*, and *Archias* the Poet.

† *Plutarch* and *Appian*, two Authors, whoſe Authority, on this Occaſion, is inferior to that of our Author, tell us, that this celebrated Sea-Fight was fought off *Lemnos*; but if we examine ſtrictly, we ſhall find, that there were two Sea-Fights near the ſame Place; the firſt off *Tenedos*, where *Iſidorus*, the Admiral, was killed (having loſt thirteen ſhips) as he endeavoured to join the grand Royal Fleet, then lying at *Lemnos*. The next was at *Lemnos* itſelf, where *Marcus Varrus*, *Mithridates*'s Admiral, was taken, and ſeveral other Generals. But we are obliged to our Author for informing us, that this grand Fleet was deſigned to invade *Italy*. Our Author has mentioned this Battle in his Orations for *Archias*, and *Muræna*; and in both Places expreſly ſays, that it was fought off *Tenedos*.

‡ In a Battle at the River *Rhyndacus*, having killed many of

Enemy's Forces were routed, that *Pontus* was exposed * to the Invasion of our Arms, which always before found every Avenue to it obstructed; that *Sinope* † and *Amisus* ‡, two Seats of the Royal Residence, adorned and provided with all the Means of Defence, with the other Cities of *Pontus*, and many of *Cappadocia* §, were taken in one March, and in one Approach; that their Monarch, stripped of his hereditary ¶, his paternal

 Domi-

of the Enemies, he took Prisoners six thousand Horse, and fifteen thousand Foot. In another Battle at the River *Granicus*, having taken many Prisoners, he slew twenty thousand of the Enemies. In a third Engagement, at Sea, many of the Barbarians were slain; and among the other Captives, *Marius*, who had been sent by *Sertorius*, was taken, and afterwards slain.

* When this King had betaken himself to Flight, *Lucullus* made an Inroad into *Pontus*, and subdued to himself all the Cities of it, except very few.

† *Sinope* is a City situated in the *Euxine* Sea, which at first stood out against the *Romans*; but the Citizens being at last reduced to great Straits, and their larger Vessels set on Fire, betook themselves to their Gallies, the more conveniently to make their Escape: *Lucullus*, however, having at last made himself Master of the City, he again set it at Liberty; because, when he was laying Siege to it, he dreamed that he was called upon by *Antigonus*, who attended *Hercules* in his Wars against the *Amazons*, and chose this City for himself.

‡ This is a Town on the Confines of *Paphlagonia* and *Cappadocia*, about an hundred and thirty Miles distant from *Sinope*: Having vanquished the former of these, *Lucullus* pitched his Camp by the latter, which he soon made himself Master of, the Inhabitants flying; but he allowed them to be governed by their own Laws, because it was a Colony formerly founded by the *Athenians*.

§ *Mithridates*, having banished *Nicomedes*, took Possession of *Cappadocia*.

¶ The first *Mithridates* was descended of the *Persian* Monarchs; who flying from *Antigonus*, King of *Syria*, who had resolved to kill him, came into *Cappadocia*, and fortified a Place for

Dominions, wandered about, a Royal Suppliant, from Prince to Prince*, from People to People, and that these brave Actions were all performed without Loss to our Allies, and without Diminution of our Revenues †. This Character I think compleats the Measure of his Praise; and, *Romans*, I have taken this Occasion to do Justice to his Character, a Justice that has never been paid it from this Place, by any of the Opposers of this Measure, and this Law.

It may be now asked, if our Enemies sustained all these Losses, how can this War be of so great Difficulty? The Objection is not without its Weight; but know, *Romans*, that *Mithridates* fled from his Kingdom in the same Manner as the celebrated *Medea* ‡ is said to have escaped out of that very Country. We are told that

for himself; and, great Numbers flocking to him, he at last took Possession of *Cappadocia*, and the Territories adjoining to *Pontus*; and left to his Successor an extensive Empire, which was, without Interruption, handed down to this *Mithridates*, the sixth of the same Line and Name.

* He first fled to *Tigranes*, his Son-in-Law; and, when he was vanquished, he fled to the King of the *Parthians*, to whom he had some Time before sent Ambassadors.

† Many Kings and States contributing Money to the Carrying on the War, what was farther necessary *Lucullus* would not take out of the public Treasury, but advanced out of his own private Fortune. *Vid. Plutarch.*

‡ This *Medea* was the Daughter of *Æetas* King of *Colchos*: She entertained *Jason* and his *Argonauts*, and falling in Love with him, on Promise of Marriage, taught him to tame the brazen footed Bulls, and cast the Dragon into a deep Sleep, that

that ſhe ſcattered the Limbs of her Brother along the Place, through which her Father who purſued her was to paſs, that the Parent's Care of collecting and weeping over them might retard the Swiftneſs of the Purſuit. Thus *Mithridates*, to favour his Flight, left in *Pontus* the obſtructing Power of all his Gold and Silver, and every coſtly, every curious Moveable that he had received either by Inheritance from his Anceſtors, or by Plunder in the laſt *Aſiatic* War, and ſince treaſured up in his own Dominions. While our Soldiers were intent on theſe, the Perſon of the King eſcaped. Thus *Medea* owed her Eſcape to the Grief of her Father, and *Mithridates* his to the Joy of our Army.

that he might carry off the Golden Fleece; which being done, he fled, taking her and her Brother along with him; but fearing to be overtaken by her Father, who purſued them, ſhe cut her Brother, *Abſyrtus*, in Pieces, and ſtrewed his Limbs in the Way, to ſtop the Purſuit. *Jaſon*, at his Return married her, and had two Sons by her, whom ſhe murdered, in Revenge, becauſe *Jaſon* had married *Creuſa*, the Daughter of the King of *Corinth*; and ſent a Box to the Bride for a Preſent, which ſhe opening, the Fire burſt forth, and burnt her and the Palace: After this, ſhe fled to *Athens*, where ſhe married old *Ægeus*, and had a Son by him called *Medus*, with whom ſhe flew away into that Part of *Aſia*, which, from him, is called *Medea*. The Simile in our Author has wonderful Force and Beauty; for, as *Medea* retarded her Father's Purſuit, by the mangled Limbs of her Brother, ſo *Mithridates* put a Stop to that of *Lucullus*, by ſtrewing Treaſure in the Road, to be gathered up by his Enemy's Army after the Defeat he received at *Cyzicum*, where there was ſo great a Slaughter of Men and Cattle, that the Rivers *Granicus* and *Æſopus* were deeply tingled with the Blood of the Slain.

Under this Panic he fled to *Tigranes*, the *Armenian* King who ſheltered him in Diſtreſs, freed him from Diſtruſt, cheared him in Anguiſh, and raiſed him from Ruin. *Lucullus* afterwards marched into this Prince's Territories, while many other Nations were ſpirited up to oppoſe his Arms. Theſe People, whom the *Romans* never thought fit either to provoke or attack, were alarmed. A ſtrong and a current Report had likewiſe a great Impreſſion on the Minds of theſe *Barbarians*, as if the Hopes of rifling a wealthy and an awful Temple * had brought our Army into thoſe Territories. Thus a Number of powerful Nations were rouſed with a certain jealous Indignation and Panic; but our Army, though it took the Capital of *Tigranes*'s Kingdom †, and often fought with great Succeſs, yet were they diſmayed by the Diſtance

* *Cicero* has here in his Eye the *Fanum Cumanum*, which was plundered by *Muræna*, at the Perſuaſion of one *Archælaus*, who had revolted from *Mithridates*.

† This was *Tigranocerta*, which *Tigranes* built, and to which he gave his own Name: He made the Walls of it fifty Cubits high; and the richeſt Men in the Kingdom, to teſtify their Confidence in the Prince, lodged all their Treaſure there. *Lucullus*, according to *Plutarch*, found it in eight thouſand Talents, beſides much Riches, the Value of which cou'd not be computed. At this Capital *Lucullus*, with a ſmall Body of his Men, routed the Forces of *Mithridates* and *Tigranes*, which conſiſted of two hundred and fifty thouſand Foot, and fifty thouſand Horſe. After this Defeat, the two Kings levied another Army, of ſeventy thouſand Foot, and thirty-five thouſand Horſe, which *Lucullus* routed a ſecond Time; upon which *Tigranes* fled into *Armenia*, and *Mithridates* into *Pontus*.

Diſtance of the Scenes of Action * from their Countrymen, to whom they paſſionately deſired to return.

HERE let me ſtop; for the Event of all was that our Soldiers ſeemed more deſirous to return than to advance. But *Mithridates* had by this time ſtrengthened and augmented his Army by Numbers of his own Subjects, who flocked to his Standard, and by a powerful Reinforcement, the Troops of *foreign* Princes and Nations †. This we learn from Experience and Hiſtory to be generally the Caſe, that Pity for the broken Fortunes of a King raiſes a powerful Support in his Favour, eſpecially from thoſe who are either Monarchs, or are Subjects to Monarchs, becauſe, to them, the Name of a King ſounds awful and ſacred; therefore after his Defeat he had greater Succeſs, than in his Proſperity he ever preſumed to expect; for when he returned to his Kingdom, not contented, that, beyond all

* Here *Cicero* artfully throws a Veil over the unworthy Conduct of *Lucullus*, in quitting his fleeting Enemy; and excuſes the Matter by the Diſtance of the Scenes, or rather by the Sedition of the Soldiers; for the *Valerian* Legions refuſed to obey Orders, alledging, as the Reaſon of their Refuſal, that they had ſerved their full Time. *Plutarch* ſays, that the Soldiers were exaſperated at the Pride and Avarice of *Lucullus*, and that *Publius Clodius* importuned them to revolt.

† *Mithridates* was put at the Head of a new Army in *Pontus*, which was furniſhed out to him by different Kings and States; *viz.* the *Medes*, the *Adiabeni*, the *Gorgeni*, the *Arabes*, the *Albani*, and the *Iberians*.

all his Hopes, he again called those Dominions his own, from which he thought himself for ever driven, he attacked your brave, your victorious Army *. And here, my Fellow-Citizens, suffer me †, in Imitation of our Historical Poets, to draw a Veil over the Scene of Calamity; a Calamity so dreadful, that *Lucullus* knew it, not by any Messenger escaped from the Battle, but by the Reports of public Rumour.

HERE *Lucius Lucullus*, in the very Crisis of War, amidst the very Anguish of the Disease, though perhaps he was the only Man who could do somewhat towards curing our bleeding Wounds; in Obedience to your Commands ‡, as

* *Mithridates*, on his Return to *Pontus*, overcame *Fabius*, who was left by *Lucullus*; and by the Negligence and Rashness of one of the Veterans, who was sent Ambassador, above seven thousand *Romans*, an hundred Centurians, and twenty-four Tribunes of the People, were on that Occasion cut off.

† This Passage is full of Art and Beauty; for the very Thing the Orator designed to heighten, is spoke of in the most modest Terms; and with a seeming Kind of Reluctance, expressive of the Orator's Humanity, and sympathizing Turn, to the Degree of which, his Success with the Audience (other Circumstances alike) is proportioned.

‡ The Words in the Original are *Vestro Jussu*; for, among the *Romans*, the People alone commanded, and the Senate were only authorized to vote, and advance their Reasons for voting, either for or against any Thing; for which the *Romans* used the Word *censere*: This laid a Foundation for this Form of Speech, so often occurring in the *Roman* Historians, *Velitis Jubeatis Quirites*.

as ye thought fit, in Imitation of your Ancestors*, to limit the Duration of his Command†, dismissed that Part of his Army ‡ that had completed the Period of its Service; the other Part he delivered over to *Glabrio*. Many Things I purposely omit; but it is easy for you to suppose the Importance of a War supported by the Confederacy of two powerful Monarchs, renewed by the Spirit of resentful Nations, maintained by the Power of unsubdued, unattempted Countries; your Arms headed by a General, new to this Scene of Action; and your Veterans beaten.

I THINK I have said enough to prove that this War

* After the Expulsion of the Kings, the Office of Consul (and consequently his Power) lasted only for a Year; at the Expiration of which, new Consuls were always created; but sometimes the Office was continued for three or more Years, as the Situation of Affairs called for; whence *Livy*, Book iv. thinks *Maximam Libertatis Populi Romani Custodiam esse, si magna imperia diuturna non essent, & temporis modus imponeretur quibus juris imponi non posset*: "That the surest Guard of the "*Roman* People's Safety, was to make Offices of Importance "of short Continuance; and to limit by Time those Officers, "whose legal Power could not be limited."

† *Lucullus*, when Consul, having obtained the Government of *Asia*, undertook a War against *Mithridates*, which he continued for seven whole Years.

‡ The Veterans were said to have served their Time when they had carried Arms nine Years; but if the State of the Republic called for it, they were obliged to serve from the sixteenth Year of their Age to the forty-fifth: Now, *Lucullus* dismissed those of them who would not follow him, who were at that Time called *Fimbrians*, from their following *Fimbrius*, after they had killed *Valerius*, the Consul, who was hated for his Avarice.

War is in its Nature abſolutely neceſſary, and through its Greatneſs highly dangerous. Give me now Leave to touch upon the Choice of a General equal to its Importance. I wiſh, my Friends, that you had amongſt you ſuch Plenty of brave honeſt Men, as to have your Choice doubtful, as to the Perſon of him to whoſe Hands you are to commit Intereſts of ſo much Conſequence, and a War of ſo great Difficulty. But as there is now only *one* Man alive, I mean *Pompey*, whoſe Virtues ſurpaſs all thoſe, not only of the preſent Age, but of Antiquity itſelf; where is the *Roman* who can heſitate one Moment how to determine?

IN my Opinion, four Qualifications are neceſſary to form a compleat General, a thorough Knowledge of War, Courage, Authority, and good Fortune. Did ever any Man poſſeſs, or is it required to poſſeſs, a more extenſive Knowledge in the Art of War than *Pompey* does? Who when a Boy ſtepp'd from the School, amidſt a raging War maintained by a furious Enemy, into his Father's Army*, where he was initiated in

* The Father of *Pompey* was *Cn. Pompeius Strabo*, who was General of that Army ſent to act againſt *Cinna*, who had rebelled againſt the State. Under him his Son *Pompey the Great* ſerved, when but ſeventeen Years of Age. It muſt be owned, that though *Cicero*, perhaps, ſtrains his Praiſes of *Pompey* to too great a Height in this Oration, yet he certainly underſtood the Art of War beyond any of his Time; perhaps not excepting *Cæſar*

in the Discipline of the Camp; who, before he grew up to a Man, commenced a Soldier under a great General; who in the Dawn of Youth was himself at the Head of a glorious Army; who has fought more pitched Battles than other People have maintained personal Altercations; who has carried on more Wars than others have read; who has reduced more Provinces than others have aspired to; whose Youth was trained to the Trade of War*, not by Reading and Precept, but by his own Experience †, and his own Commands ‡, formed not

Cæsar himself; but the Genius, the Address, and the Fortune of *Cæsar*, bore every Thing down before him: *Pompey* was his Inferior in all these; but he had so thoroughly studied the Art of War, that he had reduced it to a Science.

* In the Original it is *Extrema Pueritia*, which may signify either the Commencement, or Determination of this Boyish Age; for according to *Aulus Gellius*, the Stage of Life was by *Servius Tullius* thus divided; they were Boys till the seventeenth Year of their Age; from that till the forty-sixth, young Men: and from that to the very End of their Lives, old Men. In the first of these Periods *Pompey* was a Soldier under *Sylla*.

† When *Cinna*, the Consul, who had raised a War in the State, was killed, and his Colleague, *Carbo*, had marched against *Sylla*, who had brought back his Army victorious from *Asia*, *Pompey*, at that Time scarcely twenty-three Years old, and bearing no Office in the Army, levied three Legions in *Picene*, and the whole Nobility joining him, he led a very considerable Army to *Sylla*'s Assistance. In his March he secured the Friendship of many States of *Italy*. He brought over to his Party those who had sided with the Enemies of *Scipio* and *Carbo*, both whom he challenged to an Engagement. Upon *Pompey*'s coming up to *Sylla*, he nimbly alighted from his Horse, and saluted him General, who in his Turn, saluted *Pompey* the same, before he was admitted into the Senate. Immediately after, *Sylla* sent *Pompey* into *Celtiberia*, at the Head of an Army.

‡ No Person had been oftener General than *Pompey*, therefore

not by the Blunders of War, but by the Glory of Conqueſt; and whoſe Merits are rated, not by the Years he ſerved, but by the Triumphs he obtained*: Where was the War of ſuch a Nature as that he was not employed to ſuſtain the Fortunes of his Country? The *Civil*, the *African*†, the *Tranſalpine*, the *Naval*, the *Servile* War, together with the *Spaniſh* War‡, that heterogeneous Production of our own Citizens and warlike Foreigners. The various and different Kinds both of Fights and Foes, carried on and conquered by him alone, are Proofs that there is no Point of Military Practice in which this Hero is not an accompliſhed Maſter.

But where can I find Words equal to the Courage of *Pompey*? What can I, what can any

fore he might well be ſaid to learn the Art of War, not ſo much from Precepts, and the reading Treatiſes on that Subject, as from Uſe and Experience.

* *Pompey*, according to *Velleius Paterculus*, triumphed three times; *viz.* on Account of the Victories he gained in *Africa*, *Aſia*, and *Europe*.

† The *African* War was carried on againſt *Cneius Domitius*, whom moſt of thoſe, who were baniſhed out of *Italy*, followed: and againſt *Hierica*, King of *Numidia*, who is likewiſe by *Plutarch* ſtiled *Hiarba*; all theſe uniting their Forces, and making Head againſt *Sylla*, he diſcomfited in one Battle: This War he put an End to in forty Days; and, upon his Return to *Rome*, was ſaluted *Magnus* by *Sylla*. But what was moſt extraordinary of all, he had a Triumph when but a *Roman* Knight, and but twenty-four Years of Age.

‡ He calls this the Heterogeneous War, becauſe it was carried on by Fugitives of *Rome*, who joined the *Gauls* and *Germans*.

any Man, deliver here worthy of him, new to you, or unknown to the meaneſt in *Rome?* For theſe, as they are commonly imagined to be, are not the only Virtues of a General, Application to Buſineſs, Courage in Danger, Reſolution in Action, Quickneſs in Execution and Caution in concerting; all which unite in his Perſon to a greater Degree, than they ever did in all the Generals we ever ſaw or ever heard of.

ITALY is a Witneſs*, which the victorious *Sylla* himſelf owned to be delivered by his Arms; *Sicily* is a Witneſs, which he extricated from the Dangers that every Way and on all Hands environed her, not by his formidable Arms, but by his ſeaſonable Counſels; *Africa is a Witneſs*, which was bathed in the Blood of thoſe Enemies, whoſe immenſe Number covered her Fields; *Gaul* is a Witneſs, by the Slaughter of whoſe Armies our Troops cut their Paſſage into *Spain*; *Spain* is a Witneſs, which has often viewed Thouſands of our Enemies by this Hero deprived of Life and Liberty: I can appeal to the preſent and to the former Experience of *Italy*, which, when oppreſſed by a deteſtable but dangerous War from our

* Our Author here artfully particularizes all the ſeveral Scenes of Action in which *Pompey* ſhined. As a Note upon every one of them would take up a great deal of Room, we muſt refer the Reader to the Hiſtory of *Rome*, and *Pompey's* Life.

our Slaves, in his Abſence, implored his Aſſiſtance. The War by the very Rumour of his Approach drooped and languiſhed, and upon his Arrival died and was buried.

At this Inſtant all Lands, all *foreign* Nations, every diſtant People, all the Extent of the Ocean, all Bays, all Harbours, wherever ſituated, are ſo many Witneſſes of his Merits. For where is the Sea Coaſt, that of late was ſo well guarded, as to be ſafe from Inſults? Was any ſo retired as to be unexplored by our Enemies? Where was the Sailor, who, when he plied the Sea, did not venture the Loſs either of his Life or his Liberty? Since he was obliged to expoſe himſelf to the Inclemency of Winter, or to Seas covered with Pirates? To finiſh a War ſo important, ſo ſhameful, ſo laſting, ſo diſtant, and ſo diſcontiguous, ſeemed to promiſe Employment for a thouſand Generals during one Year, or for a thouſand Years to one General. What Province did we poſſeſs at that Time uninfeſted by Pirates? What Branch of your Revenue was ſafe? Where was the Friend whom your Arms guarded? And where the Ally whom your Fleets protected? How many Iſlands did you give over as deſerted? And how many Towns of our Allies as either abandoned by Fear, or they Prey of Pirates? But why do I longer inſiſt on this Review of diſtant Facts?

THIS, this was the old, the true Character of *Romans*; to direct the Thunder of their Arms on a distant Foe, and to guard the Interests of their Allies, not their own Properties, by the floating Bulwarks * of their Empire. Shall I affirm, that in those Years the Sea was shut up to your Allies, since your Armies durst not so much as pass over to *Brundusium*, but during the Severity of the Winter? Shall I mention the numerous Prisoners made of *foreign* Nations on their Journey to *Rome*, since a Ransom was paid even for *Roman* Ambassadors? Shall I say that the Seas were unsafe for our Merchants, when twelve Badges of supreme *Roman* Authority † fell into the Hands of Pirates?

SHALL

* The Original has it only *Propugnaculis*, which signifies properly a Bulwark: I have translated it as regarding Ships, contrary to the Sense of all Commentators, &c. My Reason is, because there is no Instance of *Propugnaculum* being applied to a *marching Army*; which it must be here, if it does not signify Ships. It cannot signify *Fortresses*, or *Bulwarks*, in the literal Sense, because they are applied to the *Fortunæ Sociorum*; therefore the Bulwarks must be understood to belong to their Allies also: But if we suppose that he speaks of the *Roman* Shipping, it is both agreeable to the *Roman Idiom*, to the History itself, and to what immediately follows.

† He here places the Prætors Badges of Distinction for themselves: The Words in the Original are *Duodecim Secures*; and the two Prætors here meant, are *Sextilius* and *Bilinus*, who were seized together, with their Badges and Lictors, by the Pirates. Each Prætor had six Lictors, when exercising any Part of his Office without the City; but only had Fasces carried before him when in the City.

SHALL I mention the taking of *Cnidus*, or *Samos*, or *Colophon**, thoſe glorious Cities, with numberleſs others, when you know that your Harbours, thoſe very Harbours from whence your Country derives her Life and Soul, fell into the Hands of Pirates? Need I to inform you that the celebrated Harbour of *Cajeta* †, when full of Ships, was, while a *Roman* Prætor ‡ looked on, plundered by Pirates? That the Children of the very Man, who had fought with Pirates in the ſame Place, were by them carried off from *Miſenus*? Why ſhould I mention our Diſgrace at *Oſtia*, § ſo ſhameful, ſo ignominious to *Romans*; ſince, almoſt under the Reach of your own Eyes, a Fleet commanded by a *Roman* Conſul, was by Pirates deſtroyed and taken? Immortal Gods! could the amazing, the divine Courage of one Man, in ſo ſhort a Time, throw

* Theſe are three Cities in *Ionia*.

† This is in *Campania*, and received its Name from the Nurſe of *Æneas*, who was buried there; of whom *Virgil* ſings thus, in his ſeventh Æneid:

Tu quoque Littoribus noſtris Æneia Nutrix
Æternam, moriens, famam Cajeta dediſti.

‡ Who this *Roman* Prætor was, we cannot be very ſure; but it is a common, and not an ill founded Opinion, that it was *Marcus Antonius*, who was ſent General of that War, before *Pompey* received the Command: That his Succeſs was bad, and that he was killed there, is moſt certain: and *Florus* informs us, that his Daughter was carried off by the Robbers at that Time.

§ *Oſtia* was a City built by *Ancus Marcius*, in the Mouth of the River *Tiber*. So daring were the Pirates, that they landed at this Town, and burnt and plundered the *Roman* Veſſels; and, as if they entertained no Thoughts of returning, they remained

throw a Luſtre on his Country, that diſpelled thoſe Clouds of Danger, which before preſented to your View the Fleet of the Enemy in the Mouth of the *Tyber*; and that ſo effectually, that a Pirate is not now to be heard of within the Limits of the *Mediterranean*?

NOR muſt I here overlook how quickly all this was executed, though you yourſelves beheld it. For who ever performed an Affair in common Life, who, even when prompted by Intereſt, could make quicker Diſpatch in viſiting ſo many Places, or finiſhed ſo many Voyages in ſo ſhort a Time as *Pompey*, and his Fleet bore about the Terrors of War? Before the Seaſon came on, he touched at *Sicily*, he ſailed to *Africa*, from whence he paſſed over with his Fleet to *Sardinia*, and fortified theſe three principal Granaries of *Rome*, with ſtrong Squadrons and ſufficient Garriſons.

THENCE paſſing over into *Italy*, having fortified *the two Spains* *, and *Ciſalpine Gaul* with Garriſons and Fleets, ſending likewiſe ſome Forces into the *Illyrian* Sea, and *Achaia*, he ſecured all *Greece* by his Squadrons, and the two Seas of *Italy* with powerful Fleets, and ſtrong Re-

mained there, and depoſited all their Booty, and thoſe they had not ſlain, in their City. *Vide Dion*, Lib. xxvi.

* One on one Side of the River *Iber*, and the other on the other.

Re-inforcements. He himſelf, after he left *Brunduſium*, added in forty-nine Days all *Cilicia* to the *Roman* Empire; all the Pirates in every Corner were either taken, deſtroyed, or ſurrendered themſelves to his ſingle Command and Authority. The ſame General, when the *Cretans* had ſent Ambaſſadors and Mediators as far as *Pamphilia*, where he then was, were by him encouraged in their Application to have Permiſſion to ſurrender; and accordingly he ordered them to give Hoſtages.

Thus a War ſo great, ſo laſting, ſo diſtant, ſo diffuſed, a War that threatened ſo many Nations and People, was by *Pompey* in the End of Winter provided for, in the Beginning of Spring * entered upon, and in the Middle of Summer finiſhed.

Such are the Effects of divine incredible Courage in a General. Then how ſhall I do Juſtice to thoſe amazing, thoſe numberleſs Qualities which I have already mentioned? The Virtues of the Soldier are not the only Qualifi-
cations

* We are told by the Hiſtorians of thoſe Times, that this War was prepared for, undertaken, and finiſhed within four Months. *Livy*, Lib. xcix. tells us, that in forty Days the Pirates were quite baniſhed from the Seas. *Plutarch* ſays, that in three Months, and *Appian*, that in ſeventy Days, all the Veſſels of the Pirates ſurrendered themſelves to *Pompey*; and that, in an hundred and twenty Days, all Towns, Caſtles, Forts, Retreats, &c. were ſubjected to the *Romans*, and ten thouſand of themſelves ſlain.

cations of a great and consummate General; for they are embellished and attended with many other fine Accomplishments. In the first Place, what unspotted Innocence ought Generals to share? How universal ought their Temperance to be? How unshaken their Honour, how easy their Deportment, how extensive their Genius, and how humane their Natures? Let us in a few Words consider what a large Share of all these fall to *Pompey*; and that too, *Romans*, in the highest Degree; yet can they never be so well known and understood, should we weigh them by themselves, as when we put them in the Balance with others.

FOR what Value, what Character is due to the Man who is at the Head of an Army, wherein the Commissions are bought and sold? Can we think the View of that Man can be great and honourable for the Interests of his Country, who shall divide to Magistrates the Money furnished out of the publicFinances for carrying on a War, in order to gain the Province he has in his Eye*, or lay it out here in *Rome* at Interest? Your Murmuring, *Romans*, discovers that you know the Persons whom I

 point

* Those Provinces that were to be given to the Consuls, and those that were to be bestowed on the Prætors, were first agreed upon by the Senate; and they afterwards obtained them either by Lot, from the Senate, or from the Tribunes of the People, whom they bribed very largely on such Occasions.

point at. For my Part, as I mention no Names, no Man can take Offence, without owning himſelf at the ſame Time guilty. But where is the Man who is ignorant of the Train of Miſery and Ruin, which this Avarice of Generals has at all Times, and in all Places, brought upon your Armies?

The Marches, which ſome of our Generals within theſe few Years have made through Lands and Cities, even in *Italy*, are freſh in your Memories; therefore may you more eaſily form a Judgment of what has paſſed in remote Countries; and whether more Cities of your Friends have not been demoliſhed by the Winter Quarters of your Armies, than Towns of your Enemies have been taken during their Summer Campaign. The General, who is not Maſter of himſelf, never can be Maſter of his Soldiers; nor can the Man, who declines a fair Trial of his own Conduct, ever be the impartial Judge of another's Actions. Is it then ſurprizing that *Pompey* ſhould poſſeſs Qualifications ſuperior to thoſe of all Generals alive, ſince the March of his numerous Armies thro' *Aſia* was ſuch, as that not only their Hands, but their very Feet, never did the leaſt Injury to the peaceful Inhabitant? Even now, every Day's Letters and Talk inform us in what Manner his Troops live in their Winter Quarters.

It

It is not enough to him that no Man pays for the Expences of Cloathing and Maintaining his Soldiers, but he will not ſuffer even thoſe who deſire it, to be at any Charges on that Account. For our Anceſtors always meaned that the Dwellings of the Friends and Allies ſhould ſhelter from the Inclemency of the Winter, and not gratify the cravings of *Avarice*.

LET us now conſider how great is his Temperance in other Reſpects. Whence do you imagine did he borrow the amazing Rapidity of his Voyages? Not from the extraordinary Strength of his Rowers, the matchleſs Skill of his Pilots, nor the indulgent Breath of New Winds, that ſo ſwiftly wafted him to the Ends of the Earth. His Diſpatch was owing to his not being amuſed by thoſe Circumſtances that retard others. The Luſt of *Lucre* never diverted him into the Purſuit of Plunder; no Appetite could ſeduce him into Pleaſure; no Charms provoke him into Delight; the Beauty of no City excite his Curioſity; nor, in ſhort, could Toil itſelf ſooth him into Slumber; and, to crown all, he even denied to his Eyes the Pleaſure of gazing on thoſe Paintings, Statues, and other Ornaments of the *Greek* Cities, which other Generals think Perquiſites of their Commiſſions.

Thus the Inhabitants of theſe Parts look on *Pompey*, not as one ſent from *Rome*, but commiſſioned from *Heaven*; now they begin to think it not altogether ſo incredible that *Romans* were once thus temperate; a Tradition that hitherto ſeemed to Foreigners Romance and Impoſture. The Luſtre of our Empire is now diffuſed over theſe Countries; now are they convinced that it was with good Reaſon their Fathers, while our Governors were thus temperate, choſe rather to be the Subjects of *Romans*, than the Sovereigns of others. For at this very Inſtant ſo eaſy is he of Acceſs to the Meaneſt, ſo freely may the loweſt Inferior ſpeak their Complaints, that the Man, who in Dignity is greater than the greateſt of Princes, in Gentleneſs appears on a Level with the loweſt of the People.

How great is he in Counſel, what Dignity, what Eaſe? What a commanding Character there is in his Expreſſion, you yourſelves, *Romans*, have often experienced in this very Place. Shall we imagine we can do Juſtice to his Truth, a Virtue which every Enemy of every Kind has owned in him to be untainted? So extenſive is his Benevolence, that it is hard to ſay whether his Enemies more dread his Courage when they fight, or are charmed with his Sweetneſs when they are conquered: And ſhall it

admit

admit of a Doubt, whether the Management of this War ought to be committed to a Man who ſeems by divine Appointment to be ſent into the World, that he may put an End to every War that harraſſes this Age.

AND as Authority is of a deciſive Influence in the Management of War, and the Execution of Military Command, can we a Moment doubt that this too is a diſtinguiſhing Character of our General? Who is inſenſible, that great are the Effects that ariſe from the Opinion, which both Friends and Foes entertain of your Generals, when we know that in Matters of ſuch Importance, as Mankind behold the principal Agents, either in a contemptible, or awful, an odious, or an amiable Light, they are actuated as much by Notions formed from Report, as by Principles founded on Reaſon? Where then is, where ever was there a Man upon Earth ſuperior to him in Fame? Where is his Rival in Glory? And, to give his Authority the moſt authentic Stamp it can receive, where is the Man upon whom you have beſtowed ſo repeated, ſo diſtinguiſhing Honours?

Do you imagine there is a Coaſt ſo remote, ſo deſart, as not to be reached by the Fame of that glorious Day, when all aſſembled *Rome*,

the *Forum* filled*, and every Temple crowded, from whence this Place could be viewed, demanded *Pompey* to command in a War, wherein all Nations, and all the Laws of Nations were interested? Therefore, that I may say no more, nor be obliged to strengthen what I advanced by other Instances, to prove how decisive his Authority is in War, let me bring Instances from all the glorious Things performed by our *Pompey*; the Day he was created General for the *Maritime* War, his single Name and Character by you, changed the greatest Death and Scarcity of Provision into Plenty, scarce to be equalled after a favourable Season during a long Peace.

AFTER our fatal Blow in *Pontus*, in the Battle, which with Reluctance I have named, while our Friends trembled, while our Enemies increased in Spirit and Strength, while that Province was destitute of sufficient Protection; *Romans*, we must have lost *Asia*, had not the Fortune of *Rome*, by a providential Interposition, directed *Pompey* into that Country. His Arrival both awed *Mithridates*, who was inflamed with the Insolence of Conquest, and stopped the March of *Tigranes*, who threatened *Asia* with a formidable Power.

Is

* He here calls the Place where the *Comitia* were held, the *Forum*, because it lay so near the *Forum*, that they were often called by the same Name.

Is it then difficult to conceive what he will be able to effect by his Courage, when he could effect ſo much by his Authority; and that it will be eaſy for him, when in Commiſſion, and at the Head of an Army, to preſerve your Friends and your Finances, when his very Name and Character have already protected them?

BUT let us conſider one Circumſtance which diſcovers his great Reputation with the Enemies of *Rome*, who from diſtant, from diſcontiguous Places, and, in a ſhort Time, ſurrendered themſelves to *Pompey* alone. Nay, the *Cretan* Ambaſſadors, while a *Roman* General and Army were on their Iſland, found *Pompey* out in the moſt remote Parts of the Earth, and offered to deliver into his Hands all the Cities of *Crete*. How! Did not this very *Mithridates* ſend an Ambaſſador into *Spain* to *Pompey*, who treated him with all the Reſpect due to that Character? Though they, who took it amiſs, that the Credentials ſhould be addreſſed chiefly to him, choſe to treat him rather as a Spy than an Envoy. From all this, *Romans*, you may form a Judgment, what deciſive Advantages ſuch Authority, ſwelled by a Train of glorious Succeſſes, and ſtrengthened by your repeated

repeated Applauses, will have with those *foreign* Princes and States.

GIVE me now Leave with all the Caution, with all the Conciseness that befits a Man who is to mention the wise Dispositions of Providence, to touch upon his Success, a Circumstance, which though no Man can attach to his own Person, yet every Man may record and celebrate in another. And indeed, I am one of those who think that Power and the Command of Armies were bestowed upon *Maximus*, *Marcellus*, *Scipio*, *Marius*, and other great Generals, often, not only from the Experience of their Qualifications, but an Opinion of their Fortune. For, believe me, it has been known, that to the Dignity, the Glory, and the enterprizing Spirit of great Men, Providence has sometimes linked the Indulgence of Fortune. But, in expressing the Successes of our Hero, I shall be so moderate as to speak, not as if he could command Fortune, but in such a Manner as that it may appear, we have not forgot his past, nor despair of his future Success: Thus shall my Speech awaken in the Gods neither Jealousy of our Glory, nor Indignation at our Ingratitude.

THEREFORE, *Romans*, I am not here to expatiate on the Civil, on the Military Glory, which

which he has atchieved, nor the Succeſs that ſtill attended him on every Element that required his Arms; a Succeſs ſo great, that not only his Countrymen courted, his Allies performed, and his Enemies obeyed his Commands; but even the Winds and Waves ſeemed obſequious to his Nod. Let it ſuffice, however, to ſay this much in very few Words: That no Man had ever yet the Impudence, even to conceive a ſilent Wiſh, that the immortal Gods would crown him with ſuch repeated Proofs of their Favour, as they have beſtowed on *Pompey*. That theſe, O *Romans!* may ever diſtinguiſh, may ever bleſs him, you ought to pray and wiſh, as I am ſure you do, as well on Account of the Proſperity of *Rome*, and her Glory, our common Cauſe, as from your Reſpect due to the Perſon of the Man.

As therefore this War is ſo neceſſary that it cannot be avoided, ſo important as to require the greateſt Abilities to manage it, and as you may now commit it into the Hands of a General, who unites in his Perſon the moſt conſummate Knowledge of Military Affairs, unparalleled Courage, unqueſtionable Authority, and unprecedented Succeſs; are ye, *Romans*, under the leaſt Doubt that ye ſhould employ this Bleſſing, preſented and beſtowed by the immortal

mortal Gods, for the Safety and Enlargement of this Empire?

WERE *Pompey* at this Inftant a private *Roman*, he is the only Man you could fingle out to fend upon this important Expedition; but now that, with other decifive Advantages, this Conveniency concurs, that he is at the Head of an Army upon the very Scene of Action; that he can immediately put himfelf at the Head of another, which others now command; why do we hefitate? Or why do we not, by the Help of Heaven, devolve this ROYAL War upon the Man whom we have already intrufted with our moft important Concerns, and with the very Being of our State?

BUT *Quintus Catulus*, a Man of the greateft Honour, the trueft public Spirit, and diftinguifhed by you in the moft glorious Manner; and *Quintus Hortenfius* likewife, who enjoys every Accomplifhment of Quality, Fortune, Virtue, and Genius, differ from my Sentiments. Thefe are Men whofe Opinions have had, and I own juftly too in many Refpects, a prevailing Influence upon your Deliberations: But on this Occafion, though ye are fenfible I ftruggle againft the Dictates of the braveft and moft eminent Men in *Rome*; yet, fetting all Dictates afide, it is poffible to come at Truth from the very

very Nature and Reaſon of the Thing itſelf; and the more eaſily as they agree to every Thing I advance; nay, they own that all is true, that this War is neceſſary and important, and that *Pompey* alone has all the great Qualifications neceſſary to manage it.

BUT what is the Argument of *Hortenſius*? If every Thing is to be inveſted in one Man, *Pompey* ought to be the Man. But he denies the firſt Poſition with Arguments now grown ſtale, and is refuted by Facts more than by Reaſoning; for you *Quintus Hortenſius*, with all that Command of Expreſſion, with all that Maſtery of Eloquence you poſſeſs, ſpoke with Authority and Dignity a great deal in the Senate againſt *Aulus Gabinius*, a brave *Roman*, when he brought in a Law to put the War againſt the Pirates into the Hand of one General, and from this very Place you declaimed with great Violence againſt that Law.

BUT, Eternal Gods! If YOUR Dictates had a more prevailing Influence with the *Romans* than the Preſervation and the true Intereſts of their Country, ſhould we at this Day have been in Poſſeſſion of immortal Glory and univerſal Empire? What did you imagine was become of this Empire, when the Ambaſſadors, the Prætors, and the Quæſtors of the *Roman* People

ple were taken Priſoners; when we were cut off from all Communication either public or private, with all our Provinces for ſupplying Proviſions to the City? When the Seas were blocked up in ſuch a Manner as to render it impracticable to guard either the Property of Individuals, or the Intereſt of the Whole? Where was there ever a State, I do not ſpeak of the *Athenians*, who were once powerful at Sea; nor the *Carthaginians*, whoſe Fleets were formerly well diſciplined and formidable; nor the *Rhodians*, whoſe Skill and Glory in Naval Affars have reached even our Days? But where, I ſay, was there ever a State ſo pitiful, an Iſland ſo narrow, that of herſelf was not able to protect her own Ports and Poſſeſſions, with at leaſt ſome Part of her Coaſts and Shores? Yet, by Heaven, the very People of *Rome*, a People, who to our Days tranſmitted their Maritime Glory unſoiled in every Action by Sea, was wounded before the *Gabinian* Law, not only in her Intereſts, but her Dignity and Glory. We, whoſe Anceſtors conquered at Sea the Kings *Antiochus* and *Perſes*, and, in every Engagement on that Element, worſted the *Carthaginians*, then the ableſt and moſt expert Sailors in the World; yet we, I ſay, were not a Match for Pirates. We too, who not only guarded *Italy* from Inſults, but by the very Authority of our Name protected our Allies in the moſt

moſt remote Corners of the World, ſo that the Iſland of *Delos*, diſtant from *Rome* ſo far as the *Ægean* Sea, the *Staple* Port for all Merchandizes and Commodities, full of Riches, ſmall in Circumference, unprotected by Forts, had nothing to fear; yet are we the ſame who were inſulted and injured, not only in our Provinces on the Coaſt of *Italy*, and within our own Harbours, but even on the *Appian* Way; yet even at that Time a *Roman* Magiſtrate could without a Bluſh mount this Tribunal, left by your Fathers as a Monument of their Glory by Sea, and by them ornamented with Naval Spoils, and Maritime Trophies.

Quintus Hortenſius, the *Romans* were ſenſible that when you, and ſuch of your Friends as were of your Opinion, delivered your Sentiments, you delivered them with an honeſt Intention; but the ſame *Romans* at the ſame Time choſe rather to revenge their own Injuries, than to obey your Dictates. Therefore, one Law, one Man, one Year, delivered us not only from that Miſery and Infamy, but effectually proved to all Nations, to all People upon Earth, that we were the real Lords of the World, and Maſters of the Main.

On this Account, to me it appeared to be a ſcandalous Indignity, offered, what ſhall I ſay, to *Gabinius*, or to *Pompey*, or in Truth, to both, by putting a Negative upon *Pompey*, who

demanded and required *Aulus Gabinius* as his Lieutenant-General; as if the General, who demanded an agreeable Officer to act under him in so important a War, ought to have been refused, when it is known that those Generals, who marched out to rob our Allies, and plunder Provinces, carried along with them what Lieutenant-Generals they pleased; and, as if the Man who preferred a Law that provided for the Preservation and Dignity of *Rome*, and the World, ought not to share in the Glory of a General, and in an Army approved through his Counsels, and levied through his Labours.

COULD *Cn. Falcidius, Q. Metellus, Q. Cælius Latiniensis, Cneius Lentulus*, all whom I name with great Regard, in this Year be Tribunes of the People, and the next appointed *Lieutenant-Generals*; and shall *Romans* distinguish themselves by an Opposition to *Gabinius*, who in a War, carried on in Consequence of his own Law, under a General, and with an Army which through you he raised, has a Right to be preferred? I hope the Consuls will propose to the Senate to put him into this Commission; but, if they shall have any Doubts or Difficulties on this Head, I here declare that I myself will propose him; nor, *Romans*, shall the menacing Dictates of any Man prevent me, under your Protection, from defending your Rights and Privileges; nor shall I listen to any

Thing

Thing but an Interpofition upon this Occafion. I hope that thofe *Romans*, who threaten, will with the greateft Deliberation weigh the Probability of their own Succefs. As to this Point, my Judgment, *Romans*, is, that *Aulus Gabinius*, the Propofer of the Maritime War, and all that was then done, is the only Man proper to act as an affiftant to *Pompey*. Becaufe the firft by your Commands devolved that War upon the other, and he on whom it was devolved finifhed it with Glory and Succefs.

IT now remains that I fhould take fome Notice of the Opinion and Judgment of *Quintus Catulus*, who put the Queftion, that if all your Hopes were centered in *Pompey*, To whom could you, in any mournful Event that might happen to his Perfon, have Recourfe? Great and glorious was the Return that his Virtue and Dignity then received, when almoft unanimoufly you called out, that IN SUCH AN EVENT HE HIMSELF SHOULD BE THE MAN ON WHOM YOU WOULD CAST YOUR EYES, IN WHOM YOU WOULD RESH YOUR HOPES. And indeed, he is a Man of fuch a Character, that no Charge is fo great, no Undertaking fo difficult, but that his Wifdom can direct, his Integrity guard, and his Courage furmount it. But, in this Point, I am of an Opinion diametrically oppofite to his; for, I think, the more

frail, the more uncertain that human Life is, our Country, while the Gods permit, ought to avail herſelf of the Life and Virtues of the beſt and greateſt of her Sons.

But why make Innovations, why take Steps for which there are no Precedents in the Practice and Proceedings of former Ages? I ſhall not mention here, that our Fathers in Peace always followed Precedents, but in War aimed at Intereſt; that their Counſels and Conduct varied according to the unexpected Exigencies of their Situation: I ſhall not mention that two very great Wars, the *Carthaginian* and the *Spaniſh*, were finiſhed by one General; that *Carthage* and *Numantia*, two very powerful Cities, the moſt dangerous Rivals of *Rome*, were by the ſame General deſtroyed: I ſhall not mention that but lately you and your Fathers thought it expedient to reſt your whole Hopes of Empire upon the Perſon of *Caius Marius*; that to his Hands were committed the Wars with *Jugurtha* *, with the *Cimbri* †, and with the *Teutoni* ‡. You yourſelves remember how many unprecedented

* *Marius* overcame *Jugurtha*, and led him and his two Sons in Triumph, who were afterwards ſlain in Priſon.

† The *Cimbri* often routed the *Roman* Armies, and took their Generals Captives; but at laſt *Marius* overcame them in two Battles, in which he ſlew two hundred thouſand of them, and took ninety thouſand Priſoners.

‡ After the *Cimbri* were routed, they joined themſelves to the *Teutoni*; but *Marius* gave them a remarkable Defeat, by killing forty, and taking ſixty thouſand of them Priſoners.

dented Steps were taken, even with the hearty Concurrence of *Catulus*, in the Caſe of this very *Pompey*, to whom *Catulus* now oppoſes the granting any new Powers as an unconſtitutional Meaſure.

WHERE was there any Thing ſo unprecedented as that a Stripling, without any public Character in the World, ſhould, at a Juncture dangerous to his Country, levy an Army? Yet this he affected. But did he command it? He did. Did he act with Conduct and Succeſs? With both. Where was there ever any Thing more unprecedented than that a young Man, whoſe Years were far from giving him a Qualification to ſit in the Senate*, ſhould be put in Commiſſion, and at the Head of an Army? That the Government of *Sicily* and of *Afric* ſhould be granted him, and that he ſhould be intruſted with the Management of that War? As the Governor of theſe Provinces, unparalleled was his Integrity, his Wiſdom, and his Courage. As General in *Africa*, his Succeſs was compleat. He finiſhed the War, and brought off his Army with Glory and Triumph. Who before ever heard that a *Roman* Knight ſhould triumph? Yet this Sight the People of *Rome* be-

* *Plutarch* ſays of him, that he could eaſily have been received into the Senate, before the Age appointed for that Purpoſe, but that he refuſed it, thinking it a greater Honour to triumph whilſt only a *Roman* Knight.

beheld; nay, beheld with Joy, and with Rapture. Who ever knew that, when we had two illustrious brave Consuls, a *Roman* Knight should supply the Place of one of them, and be sent to command in a great and a formidable War? Yet he was sent; and at that Time there was not a Man in the Senate so hardy as to suggest, that a private Person ought not to be sent instead of a Consul. *Lucius Philippus* is reported to have said, that were his Opinion followed, *he should be sent not in Place of one, but of both the Consuls.* So great, so promising was his Capacity for Government, that, though a Youth, his Abilities were thought equal to the Functions of two Consuls. Could any Thing be more extraordinary, than that the Senate by their Decree should so far dispense with the Laws, as that he became a Consul at an Age which disqualified him from acting in any other Character of a Magistrate? Was it not incredible, that by a Decree of the Senate, while a *Roman* Knight, he should triumph a second Time? Thus all the Novelties, which we have known to happen in any Age, fall short of those that meet in the Person of *Pompey* alone: Nay, he derived all these Honours, repeated and unusual as they are, from *Quintus Catulus*, and the Authority of the other great and eminent Men of the same Order.

LET them beware therefore, leſt, as they ſet the Precedents which you approved of, as to the Power of *Pompey*, it may ſeem unjuſt and flagrant, ſhould they now oppoſe the Choice of you, and all *Rome* beſides, who have fixed upon the ſame Perſon: Eſpecially as the *Romans* have now an irrepealable Right to ſupport, againſt all Oppoſition, their Election of this Man; becauſe even againſt their Will you choſe him from amongſt all other *Romans*, to command in the War with the Pirates.

IF you did this raſhly, and without conſulting the Intereſts of your Country, they are in the right to endeavour to over-rule your Choice by their Interpoſition. But if your Senſe of the Intereſts of *Rome* was truer than theirs; if though oppoſed by them, by yourſelves, you at once gave Dignity to *Rome*, and Safety to the World, then muſt theſe Dictators acknowledge that both they and others ought to ſubmit to the Voice of the collective Body of the *Roman* People. But this *Aſiatic* and regal War demands not only that Military Virtue ſo conſpicuous in *Pompey*, but other intellectual Accompliſhments which muſt be many and great.

DIFFICULT is the Taſk for a *Roman* General to behave in *Aſia*, *Cilicia*, *Syria*, and other

more remote Countries, in ſuch a Manner as that he ſhall dream of nothing but Glory and Conqueſt; for, though ſome are under the Reſtraints of Shame and Modeſty, yet ſo great is the Number of the Greedy, and Oppreſſors, that they are conſidered in another Character. It is hard, O *Romans!* to expreſs how deteſtable we are now become among *foreign* Nations, on Account of the Vices and Luſts of thoſe, whom of late Years we have ſent out as their Governors. Where in theſe Lands the Temple ſo holy as to be unprofaned? Where the City ſo awful as to be inviolated? Where the Houſe ſo fortified as to be uninvaded by our Magiſtrates? And even now they are endeavouring to find rich and noble Cities, in order by their Injuſtice to kindle a War, and by Means of the War to gratify their Avarice by Plunder.

WILLINGLY would I debate this before theſe two great and eminent Men, *Q. Catulus*, and *Q. Hortenſius*, who know the Wounds, ſee the Diſtreſſes, and hear the Complaints of our Allies. Did you intend to ſend an Army for the Relief of your Allies againſt your Enemies, under this Pretence to attack the Friends and Confederates of *Rome?* Where is the State in all *Aſia*, that can bound the Ambition and Avarice, I will not ſay of a General, or his Subſtitute, but of a ſingle Tribune of the Army!

THERE-

THEREFORE, though ye had a General, who in a pitched Battle may appear able to rout these Forces of the Monarchs; yet, if he refrains not his Hands, his Eyes and Thoughts from the Riches of our Allies, from their Wives and Children, from the Decorations of their Temples, from the Ornaments of their Cities, and from the golden Temptations of their Palaces; never can be a fit Man, for managing an *Asiatic* and a Regal War.

WAS it ever known in their Cities, that Tranquillity dwelled with Riches, or was ever any City rich to which they seemed to give Tranquillity? The Sea-Coast, O *Romans!* implored *Pompey*, not more on Account of his Military Glory, than for the Purity of his Heart. The *Romans* observed, from Year to Year, that the public Money enriched only a few; nor did we gain, by all the Parade of our Naval Armaments, aught, but an Addition of Infamy from repeated Injuries. Is there a Man, who opposes this Measure, now ignorant with what a Lust of Lucre, through what a Profusion of Corruption, and on what venal Terms our Magistrates now repair to their Provinces? Thus may we behold *Pompey* great, not only in the Light of his own personal Virtues, but the Vices of others.

NO longer therefore hesitate in committing

this general Command to the Man, the only Man, whom for many Years your Friends have with Joy admitted into their Cities, at the Head of an Army. *Romans*, do you require an Authority to confirm your Purpoſe. Let me appeal to *Publius Servilius**, a Man of univerſal Experience in War, and glorious Expeditions: In ſhort, the Man who has acquired ſo much Glory, both by Sea and Land, that, when Military Matters are under your Deliberation, the Opinion of no *Roman* ought to be more deciſive than his. *Caius Curio*† is another Authority, a Man diſtinguiſhed by your higheſt Favours, by the glorious Actions he has performed, and the great Capacity and Wiſdom he poſſeſſes. Let me appeal to *Cneius Lentulus*, whom you all know to ſhare in your higheſt Honours, the Rewards of his conſummate Prudence and Dignity; I appeal to *Caius Caſſius*, a Perſon of unparalleled Integrity, Virtue, and Reſolution. Thus you ſee in what Manner we can anſwer by their Authorities the Speeches of the oppoſite Party.

HAVING

* This *Publius Servilius*, was ſent to the *Piratic* War after *Antony*, and gained a very glorious Victory; and, not content with driving them from the Seas, he ravaged *Phaſelis* and *Olympus*, their beſt fortified Towns, and *Iſauros*, the chief Fort of *Cilicia*; which he thought ſo glorious an Exploit, that he aſſumed the Sirname of *Iſauricus*.

† This *Curio* was Conſul with *Lucius Octavius*, who when Proconſul routed the *Dardani*.

HAVING ſaid thus much: In the firſt Place, *Caius Manilius*, with Zeal, with Fervour, I approve of your Law*, your Endeavours and Opinion: In the next Place, I conjure you, as you value the Happineſs of *Rome*, that you ſuffer no Attack, no Threatenings to daunt or drive you from your Purpoſe. As you ſeem to have Spirit and Reſolution, and are here backed with a greater Multitude of *Romans*, once more zealous for committing a general War into the Hands of one and the ſame Man; What is there either in the Meaſure itſelf, or in your Intereſt, to carry it through, that you ought to doubt of? For my Share, whatever I poſſeſs by Labour or Induſtry, by natural or acquired Talents, by the diſtinguiſhing Favours of the *Roman* People, and by this Prætorian Power; whatever I can effect by my Authority, Character, and Reſolution, I promiſe, I make it all over to you and the *Romans* for carrying this Point.

I ATTEST all the Gods, and chiefly thoſe who preſide over this Place, and this Temple, thoſe Powers who can read the Intentions of the Patriot

* This Law was not a little offenſive to thoſe who loved their Country; becauſe the Public Liberty ſeemed infringed by committing the Charge of the War to one Hand only; and becauſe by that Means *Lucullus* was deprived of that Glory, which was juſtly due to him on Account of his Actions: Many endeavoured to oppoſe this Law, but none appeared ſo keenly againſt it as *Catulus*. See *Plutarch* in *Vita Pompeii*.

Patriot Breaſt, that from no Sollicitation, from no Favour I was to receive from *Pompey*, from no Shelter, which I thought the greatneſs of any Man might afford me in the Hour of Danger, nor from the Proſpect of any additional Honour to myſelf, have I undertaken this Part; for I know that the Shield of Innocence, with which every good Man ought to be armed, can eaſily repel the Attacks of Danger; and that I can attain to Honour neither through one Man's Means, nor from this Place, but from a Perſeverance in the laborious Purpoſes of my Life crowned by your Favour.

THEREFORE, *Romans*, do I affirm, that the Part I have undertaken on this Occaſion was undertaken with a View to the Good of my Country; and ſo far am I from any Appearance of purſuing a private Intereſt, that I can eaſily perceive that I am now to encounter a deal of Malice, partly private, partly public, that I might have avoided, and by which you may profit. But cloathed with this Dignity, and ſenſible as I was of your Favours, I determined, *O Romans!* to prefer your Sentiments, the Honour of my Country, the Safety of our Provinces, and the Preſervation of our Allies, to every ſelfiſh View, and every partial Intereſt.

THE

THE

ARGUMENT.

LIGARIUS *was accused by* Tubero, *a Kinsman of* Cicero's, *who had a personal Grudge at him, before* Cæsar, *of having distinguished himself as* Cæsar's *Enemy in the late War.* Cæsar *was pretty well convinced of the Truth of this; and some Circumstances in the Conduct of* Ligarius *had determined him, notwithstanding all the Application of Friends, not to pardon him: In short, he boasted that his Resolution was so fixed as to be unalterable, even by all the Charms of our Author's Eloquence. But when* Cicero, *who had undertaken to plead for* Ligarius, *entered upon his Defence, he found his Resolution but weak against the pathetic Strain, with which the following Oration is worked up. Nay, so strongly were the Passions of that perhaps the greatest Man, that ever was on Earth, touched, that he dropped the Papers which he held in his Hand, and cried out in Extasy,* Tully, thou hast conquered, *and pardoned* Ligarius.

This Oration was delivered in the Year of Rome 707, *of* Cicero's *Age* 61.

M. T.

M. T.

CICERO's

ORATION

FOR

Q. LIGARIUS.

NEW and hitherto unheard-of is the Charge which, O *Cæſar!* my Kinſman *Tubero** has brought before you; that *Quintus Ligarius* had been in *Africa:* And *Caius Panſa*, a Man of excellent Parts, depending perhaps upon his Intimacy with you, ventured to own it. Therefore how to behave I know not, for I had come prepared, preſuming that you neither knew any thing of this Affair yourſelf, nor could be informed of it by

* It is uncertain whether this *Tubero* was *Cicero*'s Neighbour or his Kinſman; the Word *Propinquus* implies either. The Reader will no doubt obſerve what a delicate Irony runs thro' the Beginning of this Oration.

by any other Means, to impoſe ſo far upon your Ignorance as to obtain Pardon to an unfortunate Man. But, as this mighty Secret has been diſcovered by the Vigilance of our Antagoniſts, our beſt Courſe, I think, is to confeſs it. Eſpecially, as by Means of my very good Friend *Caius Panſa**, it is not in our Power to do otherwiſe; and, dropping all Debate upon the Matter, our Pleading muſt turn upon your Clemency, which has ſaved ſo many, by their receiving not Pardon for their Crimes, but Indulgence for their Miſtake. You have, *Tubero*, the greateſt Advantage which a Proſecutor can have, *the Accuſed pleads Guilty*; but *pleading* that you, and your Father, a Man without Reproach, acted the ſame Part, for which he is now arraigned; you are therefore under a Neceſſity of confeſſing yourſelves guilty, before you can impeach the Conduct of *Ligarius*.

Quintus Ligarius then, before there was any Appearance of a War, went as Lieutenant-General under *Caius Conſidius* † into *Africa*. In this

* He was a Friend of *Cæſar*'s, and mentioned in the tenth Epiſtle of the ſixth Book of his Familiar Letters.

† Though the Word *Legatus* here is tranſlated *Lieutenant-General*, it was not however an Office at all Correſpondent to what we underſtand by the Name of a Lieutenant-General. They were, as *Cicero* ſays in his Oration, againſt *Vatinius*, *Nuntios pacis ac belli Curatores, Interpretes, auctores bellici concilii, miniſtros muneris provincialis appellat.* That is, Meſſengers of

this Station, he acquitted himſelf ſo much to the Satisfaction both of our Countrymen and Allies, that it had been impoſſible for *Confidius*, after he had departed, to have pleaſed the Inhabitants, if he had left the Government of that Province in any other Hands. Therefore *Quintus Ligarius*, having long but unavailingly declined it, took upon him the Charge of the Province much contrary to his Inclination, and his Adminiſtration in Peace was ſuch, as to endear his Integrity and Honour, both to our Countrymen and Allies.

A War blazed out ſo ſuddenly, that they in *Africa* heard of its Operations ſooner than its Preparations. Upon this News, partly from an ill-founded Hope, partly from a blind Fear*, firſt upon the Principles of Safety, then of Affection, they looked out for a General. All this Time, *Ligarius* having it in View to return Home, and wiſhing again to ſee his Friends, would not ſuffer himſelf to be involved in any Manner of *public Buſineſs*. In the mean Time,

Publius

of Peace, and Managers of War. The Interpreters and Adviſers of all Meaſures relating to War, and Deputies of the provincial Duty.

* The Intereſts of the *Africans* were very much connected with the Succeſs of the Civil War betwixt *Cæſar* and *Pompey*; and, as Gratitude is but a ſecond Conſideration to Intereſt, had they been left to their own Choice, they would have followed *Pompey*, becauſe they had received many ſignal Favours from him.

Publius Attius Varus, who, as Prætor, had obtained the Government of *Africa*, came to *Utica*, and inftantly Every-body had Recourfe to him. But he, with more than common Eagernefs feized the Command, if that can be called *Command*, which by the Clamours of a heedlefs Multitude, without any public Decifion, devolved upon a private Man. Therefore, *Ligarius*, who is averfe to every Bufinefs of that kind, gained a little Refpite upon the Arrival of *Varus*.

As yet, *Caius Cæfar*, *Quintus Ligarius* is intirely blamelefs; he went from Home upon no War, nay not fo much as upon the fmalleft Prefumption that a War was to happen*; he went as Lieutenant in a Time of Peace, and in a very peaceable Province behaved in fuch a Manner, that he had Reafon to wifh for its Continuance. If you, therefore, ought not to refent his Departure, ought you to refent his Stay? Far lefs: For, as at his Departure he had no difhonourable Views, fo his Stay was occafioned by a laudable Neceffity. During thefe two Periods, therefore, he is blamelefs; when he departed as Lieutenant, and when, at the earneft

* The Reader may here obferve how artfully our Author opens his Client's Caufe, by pleading a Compulfion which *Ligarius* was under, for taking up Arms againft *Cæfar*, and yet at the fame Time he never mentions any one Overtact committed by *Ligarius* againft *Cæfar*.

earneſt Sollicitation of the Province, he was made Governor of *Africa*.

A THIRD Period is to be accounted for; and that is the Time of his Stay in *Africa* after the Arrival of *Varus*. If this was criminal, it was ſo through Neceſſity and not Choice. Had it been by any Means in his Power to have avoided it, would he have choſen to be at *Utica* rather than *Rome*; with *Publius Attius*, rather than his affectionate Brothers; with Strangers rather than Relations? As the Government itſelf had been full of Cares and Anxieties, proceeding from the incredible Affection he bore to his Brothers*, could ſuch a Brother be eaſy in his Mind when torn from them by the Civil Diſcord?

YOU can fix yet O *Cæſar!* no Inſtance of Diſaffection to you on *Ligarius*, in whoſe Defence I now ſpeak; a Circumſtance which I humbly hope is worthy of your Attention, ſince the Zeal with which I plead his Cauſe betrays my own. Wonderful Clemency†! worthy of all

* There is nothing in which our Author's Art is more eminent, than when he moves the Paſſions by throwing in ſome Inſtance of a private Virtue, in order to influence the Deciſion upon a public Cauſe. We may likewiſe obſerve how ſtrongly the *Romans* were prejudiced in favour of any Man, who practiſed the Duties either of a Relation, or of a Friend.

† This is one of the fineſt Strokes that occurs in any Pleading, either antient or modern; nothing could be a more delicate Compliment to *Cæſar*'s Perſon, yet at the ſame Time a ſtronger

all the Embellishment which Eloquence, Learning and Monuments can communicate. *Marcus Cicero* pleads before you, that another Person had not for you the same unfavourable Dispositions, which he confesses he himself entertained; nor does he dread your silent Reflections, nor does he fear with regard to himself any Prejudice arising from the Defence which you shall hear him make for another.

You see how undaunted I am; you see what Beams of your Generosity and Wisdom break upon me, while I plead at your Tribunal; and I could wish my Voice would serve me to be heard on this Subject by all the People of *Rome*.

After the War, O *Cæsar!* was begun, after its Operations were advanced, without Compulsion *, it being the Result of my own Judgment

stronger Proof of our Author's Patriotism, since we do not find through all this Oration, that he ever once pretends, that he has changed his Sentiments. Nay, there is somewhat in the next Line, *Neque tacitas tuas cogitationes extimuisset*, i. e. nor does he dread your silent Reflexions, which insinuate as if our Author had told *Cæsar*, that the latter knew very well the Original could never be his sincere Friend; for it was natural for *Cæsar* to think that it ill became one, who had himself been his Enemy, to plead the Cause for a Man arraigned for the same Crime. However, as I have taken Notice of it elsewhere, it was at the same Time an admirable Proof of the Greatness of *Cæsar*'s Soul, who could look down with a silent Kind of Compassion upon his Enemies.

* *Cicero*, in many Passages, endeavours to represent his Joining with *Pompey*, merely as an Effect of his own Gratitude. He likewise insinuates that, notwithstanding his Attachment to *Pompey*, he foresaw what the Event of the War would be.

ment and Choice, I inlisted myself with that Party which took Arms against you. Before whom do I own this? Why, before the Man, who, though he knew it, yet, without any appearing before him in Person, restored me to the Bosom of my Country; who wrote to me from *Ægypt** that I might continue, in the same Character I had formerly borne; who, through all the extent of *Roman* Command, while he was the *only* Commander †, suffered me to be *another* ‡; from whom by a Message by this very *Caius*

* *Cæsar* after having overcome *Pompey*, came into *Ægypt*, where he remained nine Months. *Appian*, Lib. iid. From thence he wrote to *Cicero*, by one *Philotimus*, and his Letters are made mention of in *Cicero*'s *Epist. Fam.* *Cicero* had by this Time desired *Atticus*, by his Letters, to write to *Balbus*, *Pansa*, and *Hircius*, to intercede with *Cæsar* in his Behalf, because they were intimate with him.

† The word in the Original is *Imperator*, which I have translated Commander. Here the Reader must understand, that there was a great Difference between a *Dux Exercitus* and an *Imperator*. Any Man by Virtue of his Commission might have been *Dux Exercitus* or put at the Head of an Army, but it was his Success and Abilities in managing that Commission, by which he could be created *Imperator*. This Creation was performed by the Soldiers saluting their General with this Appellation, after performing any glorious Action. Under the Emperors this Dignity was conferred by a Kind of *Congé d' elire* from the Emperor.

‡ *Cicero*, when *Servius Sulpicius* and *Marcus Marcellus* were Consuls was sent Proconsul into *Cilicia*, where he overcame the *Armenians*, and took the City *Pindenissus*: He likewise waged War against the Robbers, who infested Mount *Amanus*, for which Reason he was saluted General by the Soldiers. The following Year, when *Lucius Paulus*, and *Caius Marcellus* were Consuls, leaving his Province, he returned to *Italy*, and came near to *Rome*: By this Time a Civil War had arisen under the Consulate of *Lentulus* and *Marcellus*. But, because he did not actually enter the City, he kept his Office, and remained Pro-con-

Caius Panſa, I retained the Laurels of Conſular Dignity, as long as I thought proper; in ſhort, who thought that he gave me Life, when he gave it with every Mark of Diſtinction that adorned it, unviolated.

OBSERVE, *Tubero**, I beg, that I, who boldly own what was done by myſelf, dare not plead guilty to what was done by *Ligarius*; and I have owned theſe Facts of myſelf, that *Tubero* may pardon me when I mention him in the ſame Manner. He is a Perſon, whoſe Application and Merit I am fond of, both on account of my near Relation to him, the Delight which I receive from his Genius and Study, and becauſe I imagine that, from the Reputation of a young Kinſman, ſome Advantage reſults to myſelf.

BUT I beg to know one thing: Who thinks it a Crime in *Ligarius*, that he was in *Africa*? Why, the very Man who himſelf wanted to go to *Africa*; who complained that he was hindered by *Ligarius*, and without Diſpute appeared

conſul; for the Governors of Provinces retained their Office no longer than they entered *Rome*. We have in the ixth Book of the Epiſtles to *Atticus*, an Epiſtle wrote to *Cicero*, in the Time of the Civil War, in which *Balbus* addreſſes *Cicero* thus, *Lucius Cornelius Balbus, Marco Tullio, Ciceroni, Imperatori Salutem*, and another in Lib. x. where *Cæſar* addreſſes him thus, *Cæſar Imperator, Marco Tullio Ciceroni, Imperatori Salutem*.

* In this paſſage he, as it were, ſtops ſhort, and by a Figure, which the *Rhetoricians* call *Epiphonema*, addreſſes himſelf to *Tubero*; the Force and Uſe of this in Oratory, is already ſo largely and accurately handled, that I need ſay nothing of it here.

with Arms in the Field against *Cæsar* *? For what, O *Tubero!* was the Meaning of thy naked Sword in the Ranks † of *Pharsalia* ‡? At whose Breast was its Point directed §? What did thy Armour imply? Thy Spirit? Thy Eyes? Thy Hands? Thy forward Zeal? What didst thou wish? What didst thou want? I press the young Man too much; he seems to be shocked. Let me return to my own Case: I myself served in the same Army ||.

But what, my Friend, did we do, but wish to be Masters of *Cæsar*, as he now is of us. Shall then, O *Cæsar!* they who are the Monuments of your unpunishing Clemency, by their Language, exasperate you into Cruelty? And in this Cause, *Tubero*, I think that you have failed in point of Prudence; and much more your Father, who, though a Man of excellent Sense

* We are told that this Passage affected *Cæsar* so much, that he was ready to drop off his Chair, I own I cannot see the Energy which could produce that effect; unless it proceeded from the commanding Action of the Orator.

† No Author ever had the Art, like *Cicero*, to make the best of any Circumstance he could lay hold of. The Figure contained in this, and the four or five following Lines, is vastly commended by *Quintilian*.

‡ *Pharsalia* was a Town of *Thessaly*, so called from *Pharsalus*, the Son of *Ærisius*. This Battle of *Pharsalia* between *Cæsar* and *Pompey*, was fought by the River *Enipeus*. See *Appian*.

§ *Viz.* at *Cæsar*.

|| *Cicero* was indeed in *Pompey*'s Camp, when then the Battle was fought, but he himself did not fight on Account of his bad State of Health. See *Plutarch*.

Senſe and Learning*, could not perceive the Nature of this Proſecution; for, if he had, he would have choſen that you ſhould manage it in any other Manner than this: Do you accuſe one who pleads guilty? That is not the whole of the Caſe; you impeach a Man, who has a better, or, if you will, as good a Plea as yourſelf †.

WHAT I mention is not only ſurpriſing but aſtoniſhing; the Tendency of this Accuſation in not that *Quintus Ligarius* ſhould be found Guilty, but that he ſhould be puniſhed with Death. Before thee, never did any *Roman* Citizen act thus; ſuch Manners are foreign ‡; the volatile *Greeks* §, or the ſavage *Barbarians*, uſed

* *Tubero*, the Son, was famous for his Knowledge of the Law. The Father, on the other Hand, for his Knowledge of Hiſtory; as *Cicero* mentions in one of his Epiſtles to *Quintus* his Brother.

† The Cauſe of *Ligarius* was better than that of *Tubero*; becauſe *Ligarius* remained in *Africa* againſt his Will, but *Tubero* willingly, and without any Compulſion.

‡ *Cicero* here throws a very groundleſs Aſperſion on the *Greek* Nation; the Morals of which he ſuppoſes *Tubero*, on Account of his Levity and Cruelty, to have imbibed; whereas had his Morals been formed upon *Roman* Models, he had no Doubt been all Honour, all Mildneſs and Humanity. This Prejudice ſticks faſt by *Cicero* through the whole of his Writings, and whatever State or Kingdom enters the Compariſon with his darling *Rome*, is ſure to have no great Juſtice done it. Whether *Cicero* was really blind to the Vices of his Countrymen I will not take upon me poſitively to determine; but I am rather inclined to think that his overdoing his Encomiums of this Kind, is owing to his Inclination to prejudice his Audience in his Favour.

§ The *Romans* had much the ſame Opinion of the *Greeks*, as

to carry their Resentment into Blood*. In what do you differ from them? *Do you insist* that *Ligarius* should not live at *Rome*? That he should be banished from his own House, from his excellent Brothers, from *Titus Brocchus* † here, his Uncle, his Son, his Cousin, and me? That he should not be suffered to live in his native Country? But how can he be more destitute of all these Comforts than he now is? He is debarred from *Italy*: He lives in Banishment. It is not then his Country you want to deprive him of, for she is already lost to him; but of Life. But no Man ever carried on such a Prosecution; even before that Dictator‡, who killed every Man he hated §: A Dictator, who pronounced the Sentence of Death, without the Formality of an Impeachment; who even invited

as we have of a neighbouring Nation; that they were volatiles flight and inconstant, and that these Defects led them into Treachery and Perfidiousness. The Epithet *Levis*, with them, signified all Kind of Villainy and Treachery.

* It must be owned, that the *Romans* in their judicial Proceedings very seldom or never sought to affect the Life of the Party who was accused.

† *Brocchus* was a Sirname of the *Furian* Family; which, as *Abrahamius* observes, was bestowed on them on Account of their large Mouths and prominent Teeth.

‡ He here means *Sylla*, who, after his Victory over the *Marians*, invaded the Consulate immediately after *Marius* and *Carbo* had ended their Consulate.

§ This is a fine Compliment to *Cæsar*, who, though he was a Dictator, yet always expressed a great Abhorrence of *Sylla*'s Cruelty. *Sylla* not only proscribed, but put a Reward of two Talents upon the head of every Man who was proscribed. *Cæsar* had

vited Murders * by Rewards! A Cruelty ſome Years after puniſhed by the very Man whom you now wiſh to be cruel †.

But, ſay you, I do not impeach him. Indeed, *Tubero*, I think you do not; for I know yourſelf, I know your Father, I know your Family, and Deſcent. In ſhort I am fully ſenſible of every Excellency of your Race and Blood; your Virtue, Humanity, and Learning in many, even the moſt laudible Arts. Therefore am I certain that you do not thirſt after Blood; but you are groſly inattentive; for this Action points ſtrongly that Way, ſince you appear not to be ſatisfied with the Puniſhment which *Quintius Ligarius* now undergoes. Can any then be more bitter, except Death? For if he lives in Exile as he actually does, what can you require more? That he may not be pardoned! That indeed is ſtill more bitter, ſtill more ſevere. Will you then uſe your Endeavours‡ to baffle all that we have been entreating by our Tears, by

X 4 our

had this ſo much in Abhorrence, that, before he was Dictator, or Conſul, he proſecuted every Man as a Murderer, who had touched any Part of the public Money for killing any that was proſcribed.

* *Sylla* proſcribed many, and offered two Talents for the Death of every proſcribed Perſon.

† *Cæſar* made a Law, whereby all thoſe were looked upon as Cut-throats, who ſhould draw the Money out of the Treaſury, for producing the Head of any of the proſcribed Citizens. See *Sueton*'s Life of *Julius*.

‡ This Paſſage is worked up with great Art, and cannot miſs to affect any Man, who has the leaſt Senſe of Compaſſion or Humanity.

our Prayers, by proſtrating ourſelves at his Feet, not relying ſo much on the Juſtice of our own Plea, as on his Benevolence? Wilt *thou* break in upon our Sorrows? Wilt thou prevent the Efficacy of thoſe Prayers which, proſtrate at his Feet, we pour out with the Voice of Supplication?

If, while we did this at his Houſe, which we have often, and I hope not ineffectually, done, thou ſhouldeſt of a ſudden have broke in and ſet up an Outcry, *Cæſar, beware, beware how you pardon; beware how you relent at the imploring Voice of thoſe Brothers, for a Brother's Life*; wouldeſt thou not then have diveſted thyſelf of all Humanity? But how much more barbarous is it that thou in the *Forum* ſhouldeſt oppoſe what we implore within the Houſe; and in ſo deep, ſo general a Calamity, ſhouldeſt attempt to ſhut up the Sanctuary of Mercy?

Let me ſpeak *Caius Cæſar*, plainly as I think: Were not thy *own*, I ſay thy *own* Clemency, I know what I ſpeak, as extenſive as thy Fortune, every Succeſs that attends thee would but ſwell the Sorrows of the Afflicted. For how many of thoſe, who were Partners in thy Conqueſt, may we ſuppoſe, wiſh thee to be inexorable; ſince ſuch we find even among the

Con-

Conquered*? How many of thoſe, who were againſt your pardoning any, would have obſtructed your Mercy, when we find even thoſe, who have received your Pardon, unwilling that others ſhould experience your Mercy?

BUT if we could prove to *Cæſar*, that *Ligarius* was not ſo much as in *Africa*; if, even by a laudable good-natured Lye, we ſhould endeavour to preſerve an unfortunate Country-man; yet it would be inhuman, when a *Roman* is in ſuch Diſtreſs and Danger, to refute or detect our Impoſture. But, if any Man was to be ſo officious, ſurely it ought not to have been a Man who once was in the ſame Circumſtances, and for the ſame Cauſe. But it is one thing to wiſh *Cæſar* to be infallible, and another to wiſh that he were unrelenting. Then you would call out, *Take care,* Cæſar, *how you believe!* Ligarius *was in* Africa; *he carried Arms againſt you.* Now what do theſe Words mean, but, CÆSAR, *take care you do not pardon.* Is this a Language fit to be ſpoken by one Man to another? Whoever, O *Caius Cæſar!* ſhall addreſs thee in this Language, will ſooner throw aſide his own Humanity than diveſt thee of thine.

BUT

* Among the Conquered were the *Tuberones*, who were in *Pompey's* Camp, and this Paſſage contains what the *Logicians* call an Argument *a Minori ad Majus*.

But the Opening and Preliminary of *Tubero*'s Pleading, if I miſtake not, was *that he intended to ſpeak to the Guilt of* Quintus Ligarius. I do not doubt but you was at a Loſs to account, either why Nobody elſe had ever been charged with that Crime, or why a Man ſhould commence *Impeacher*, who was embarked in the ſame Cauſe, or what new Charge of Guilt was to be urged? Doſt thou, *Tubero*, call it Guilt* ? Why? For that Principle hath hitherto eſcaped ſuch a Term; ſome call it *Miſtake*, ſome *Fear*; they who want to be a little ſevere, name it *Hope*, *Ambition*, *Hatred*, *Obſtinacy*; they who ſpeak with moſt Severity, call it *Raſhneſs*; but thou art the only one who has ever named it *Guilt*. But to me, if we want to aſſign a proper and true Term to our Misfortune, a certain and fatal Calamity ſeems to have ſeized and poſſeſſed the unwary Minds of Men. Thus ought none to be ſurprized, that human Prudence has given Way to divine Fatality.

Suffer

* This, as I have on a like Occaſion obſerved, was ſpeaking with more Boldneſs than any other Pleader in the like Circumſtances ever did. What an Idea muſt it raiſe in the Mind, to imagine *Cicero* pleading ſuch a Cauſe before the greateſt, the moſt ſucceſsful Man that ever lived; a Man, who on the one Hand had Reaſon to think himſelf injured, and who on the other Hand was conſcious that he had overthrown the Conſtitution of his Country. I ſay, to ſee *Cicero*, who had himſelf appeared in Arms againſt this great Man, boldly extenuating, nay, in ſome Meaſure juſtifying, the Oppoſition made to him.

SUFFER us to be wretched, though never can we be ſo under ſuch a Conqueror; but I ſpeak not of ourſelves; I ſpeak of thoſe who have already fallen. Admit that they were ambitious, they were reſentful, they were headſtrong; but let a dead *Pompey*, let many others be unbranded with the Charge of Guilt, of Frenzy, of Parricide. O *Cæſar!* were ever ſuch opprobrious Terms heard from you? When you took Arms, had you any other End but to repel an ignominious Uſage*? What did that invincible Army of thine, but aſſert its own Rights and thy Dignity? How! when you diſcovered an Inclination for Peace †, was it that you might accommodate Matters with wicked, or with worthy Citizens?

FOR

* *Cæſar* had been ignominiouſly treated in three different Reſpects, as we may learn from the firſt Book of his Commentaries. 1ſt, When he had the Adminiſtration of *Gaul* entruſted to him for the Space of ten Years, a Succeſſor was appointed to him before that Time was expired. 2dly, When he left *Gaul*, and applied for the Conſulate, it was denied to him. 3dly, When the Honour of a Triumph, in Conſequence of a Victory he had gained, was refuſed him, the Senate inclined that he ſhould give an Account of his Management.

† *Cæſar* was all along deſirous of Peace, for, before the Civil War broke out, he ſought for it, as he himſelf tells us. Lib. iii. *De Bell. Civil.* This is likewiſe plain from his Epiſtle to *Appius Cornelius*, which is extant. Lib. ix. *ad Atticum*, Epiſtle 8, and *Cicero* himſelf, Lib. vi. *ad Familiares, ad Cecinnam*, when he mentions the War between *Pompey* and *Cæſar*, has theſe Words: *Admirari ſoleo Gravitatem & Juſtitiam & Sapientiam Cæſaris qui nunquam niſi honorificentiſſime Pompeium appellat: at in ejus Perſonam multa fecit aſperius; armorum illa, & victoriæ, facta, non Cæſaris.*

For my own Part, I own, O *Cæſar!* the great Obligations I lie under to you would not to me appear ſo ſtrong, had you pardoned me as you would a Ruffian. For by what Means could you deſerve ſo well of your Country, if you ſhould preſerve the Honours of ſo many Ruffians intire? You conſidered it at firſt, O *Cæſar!* as a Seceſſion, and not as a War; not as a hoſtile Rancour, but a political Schiſm between two Parties, who both wiſhed well to their Country, but deviating into Meaſures inconſiſtent with her Peace, ſome through Well-meaning, others through ambitious Views. The leading Men of each Party were almoſt equal, as to their Characters; though it was perhaps far otherwiſe with thoſe who followed them. The Cauſe was then doubtful, becauſe on both Sides there was ſomething that was juſtifiable; but now the Preference is on that Side which the Gods have favoured. But, after ſuch Proofs of your Clemency, where is the Man who can repine at a Victory, by which none fell but in Arms?

But not to ſpeak of the public, let us come to our private Concerns. Which, *Tubero*, do you imagine was moſt eaſy, Ligarius *to leave* Africa, *or you not to go to* Africa? Were we not at Liberty, ſay you, when the Senate decreed it?

it? If you aſk my Opinion, by no Means; but the ſame Senate had ſent *Ligarius* thither *, and he obeyed at a Time when there was a Neceſſity of obeying the Senate; you at a Time when any Man might have diſputed their Orders, if he had pleaſed. Did I then blame you? Not at all. You acted but conſiſtently with the Principles of your Race, your Name, your Family, your Education. But I cannot allow that you ſhould blame in another the very Things of which you yourſelves boaſt.

BY Decree of the Senate, this Commiſſion was allotted to *Tubero*, at a Time when he was not preſent, being detained by Sickneſs: He had determined to excuſe himſelf. Theſe Circumſtances I have learned, by Means of all the Connexions I have with *Lucius Tubero*. At Home we were educated †; Abroad we ſerved together ‡; afterwards we were allied by Marriage;

* That is, by a Decree of the Senate, *Ligarius* had come into *Africa* in Quality of Lieutenant; for, though the Proconſuls choſe Lieutenants for themſelves, yet one of the Conſuls always uſed to notify the Affair to the Senate, who determined as they thought proper.

† *Cicero* and *Tubero* were educated together in the City of *Rome*, and in the ſame School.

‡ The Words in the Original are *Militiæ Contubernales*, for the Underſtanding of which we muſt have Recourſe to *Vegetius de Re Militari*, Lib. iid. Chap. 13. who tells us, *That the Centuries were divided in ſuch a Manner, that ten Soldiers quartered under one Pavilion or Tent, and had one ſet over them, who was called the* Decanus, *or the* Caput Contubernii. This Circumſtance gave Riſe to very intimate Acquaintances among the Soldiers.

riage; and lastly, we were intimate through every Scene of Life. It was likewise a strong Tie between us, that both of us have always applied to the same Business. I therefore know that *Tubero* was inclined to remain at Home; but certain Gentlemen talked so much, and so strongly insisted on the Authority of the Republic, that, though he was of another Sentiment, yet he must have sunk beneath the very Weight of Words.

He yielded to, or rather he obeyed, the Authority of a very great Man: He went along with those with whom he has embarked in the same Cause; he proceeded slowly in his Journey, and therefore arrived not at *Africa* till it was seized upon. This is the very Source of the Charge, or rather of the Resentment, against *Ligarius*; for, if it is a Crime to shew an Inclination to hinder him from entering into *Africa*, it is equally heinous in you to endeavour to hinder one, and keep the Government of that Country; (that Strength of all our Provinces, that hereditary Enemy to *Rome)* as in *another Person* to chuse to govern it himself. And yet *Ligarius* was not that *other Person*.

Varus

Soldiers. *Cicero* and *Tubero* had been *Contubernales*, or Tent-fellows, in the *Marsic* War, which is likewise called the *Italic* and the Social War. In that War *Cicero* was in the Army of *Cneius Pompeius Strabo*, the Consul, as he himself tells us in his 12th *Philipic*.

Varus inſiſted upon his being in Poſſeſſion of the Government, he certainly was of itsBadges. But however this may be, what *Tubero* can your Complaint avail? *We were not*, ſay you, *admitted into the Province.* What if you had! Would you have delivered it up to *Cæſar*, or have held it againſt him?

MARK, O *Cæſar!* what Freedom, or rather what Preſumption your Indulgence gives us. If *Tubero* ſhall anſwer that his Father would have delivered up to you theProvince of *Africa*, to which the Senate and his own Fortune had ſent him; I will, without any Heſitation*, reprove his Conduct in the ſevereſt Terms, even before you, however ſerviceable it might have been to your Intereſt; for, tho' you might have liked, yet you could never have approved of ſuch a Step. But I wave all this, not ſo much for fear of ſhocking your amazing Patience, as leſt *Tubero* ſhould ſeem to be inclined to attempt what he never deſigned. You were coming then into the Province of *Africa*, that Province the moſt exaſperated of all others at *Cæſar*'s Succeſs. Within this Province there

* I have elſewhere obſerved this honeſt Freedom was perhaps the moſt proper Method of winning a great Mind, ſuch as was that of *Cæſar*. Our Author knew what a penerating Genius that great Man had, and that Diſſimulation andTruckling were very improper for gaining his Favour; he therefore choſe to ſpeak in plain Terms, yet ſuch as might convey a fine Compliment upon *Cæſar*'s Perſon.

there was then a very powerful Prince, the Enemy of this Party; different Principles prevailed, and ſtrong and mighty Alliances were formed: Give me Leave to aſk, what you intended to have done? I cannot doubt of what you would have done, when I ſaw what you afterwards did; you were debarred from ſetting your Foot in that Province; and debarred, as you give out, by the greateſt Injuſtice.

How did you bear this? Before whom did you bring your Complaints, for the Injuries you received? Why before the Man whoſe Authority ſwayed you, and therefore whoſe Party you afterwards joined in the Field. But if you had come to that Province in order to ſerve *Cæſar*; as ſoon as you was ſhut out of it, you would have repaired to him; but you repaired to *Pompey*. With what Conſiſtency then can you complain to *Cæſar*, when you accuſe the Man whom you complain of, the Man who prevented your making War upon *Cæſar*? And here I give you Leave to boaſt, even though it is a Falſhood, that you deſigned to have delivered up the Province to *Cæſar*, but happened to be prevented by *Varus* and ſome others. But I will confeſs, that the Diſappointment was owing to *Ligarius*, who deprived you of an Opportunity of ſo much Glory.

BUT

But I intreat you, *Caius Cæsar*, to mark the Conſtancy of the moſt accompliſhed *Lucius Tubero*; a Virtue, which tho' I very much approve of, yet would I not have ventured to have mentioned, were it not a Virtue which I know from all others uſed to be diſtinguiſhed by your Recommendation. Did ever Man then give ſuch a Proof of Conſtancy? Conſtancy did I call it, I know not if I ought not rather to ſay *Perſeverance*. Does it ever happen in a civil Difference, that any Man who is not admitted into a Party, nay, who is expelled with Marks of Cruelty, again applies to the ſame Party? Great is the Character of that Soul, and that Man, whom no Affront, no Power, no Danger can drive from the Intereſt he has once eſpouſed, and the Principles he has once embraced.

Admitting what was by no Means the Caſe *, that in every other Reſpect, as to Dignity, Quality, Figure, and Parts, *Tubero* was but upon an equal Footing with *Varus*; ſurely *Tubero* had this Advantage, that he came into his own Province, with lawful Powers, in Vir-

* I have often wiſhed that it were poſſible to hear the oppoſite Party, while I read an Oration of *Cicero*. There is ſomewhat ſo ſtrong in this *Argumentum ad Hominem*, which he has laid out, and at the ſame Time the Part which *Tubero* acted, muſt have been ſo ridiculous and inconſiſtent, that one is tempted to believe there muſt have been ſome Circumſtances on the other Side, which have juſtified their Proceeding, though they have not come to our Knowledge.

tue of the Senate's Decree. When he met with a Repulſe here, he did not repair to *Cæſar*, leſt he ſhould appear reſentful; not Home, leſt he ſhould ſeem ſlothful; not to a foreign Country, leſt he ſhould be thought to condemn the Party he eſpouſed; but into *Pompey*'s Camp in *Macedonia*, and into that very Cauſe from which he had been injuriouſly thrown out.

But now, when that made no Impreſſion* on the Mind of *Pompey*, your Zeal for the Service was very much cooled. You were only employed in Garriſons; but you had an utter Averſion to the Party: Or, was the Caſe with you as it commonly is in Civil Wars, nor more with you than others; were you ſtill poſſeſſed of the Hopes of conquering? My Voice indeed was ſtill for Peace, but then it was too late; for it muſt have been Madneſs to have thought of Peace when one ſaw the Battle ſet in Array. We all, I ſay, wiſhed to conquer, but you eſpecially; for you came to that Camp either to die or to conquer; though, as Things have happened, I do not doubt but that you prefer your being ſafe here, to your being victorious there.

I would not, *Tubero*, inſiſt on theſe Facts, did I think that either you repented of your Conſtancy, or *Cæſar* of his Clemency. Now

I aſk

* *Cicero* here anſwers for *Tubero*, who, he ſuppoſes, will make an Apology for his Conduct.

ask you, whether you carry on this Proſecution to redreſs your own or your Country's Wrongs? If your Country's, how can you account for your obſtinate Adherence to that Party? If your own, take care that you do not miſtake, in imagining that *Cæſar* will retain a Reſentment againſt your Enemies, after he has pardoned *his own*. Do you imagine that my ſole Aim here is to plead then, *Cæſar*, the Cauſe of *Ligarius*, or ſpeak of what he has done? I deſire that all I have ſaid, ſhould be underſtood to relate to the ſingle Point, either of your Humanity, your Clemency, or your Pity.

CÆSAR, I have pleaded many Cauſes, even with you, while your Progreſs in Honours led you to the Practice of the *Forum* *; but never ſure in this Manner: *Pardon him, my good* Lords, *he has done amiſs; he has ſlipped; he did not think: If he ſhall ever do ſo any more!* This is the Way of Pleading indeed, when one ſpeaks to a Father; but to the Judges, *He did not do, he did not intend to do it; the Evidence is falſe; the Crime is forged.* Pronounce, *Cæſar*, thyſelf to be the Judge of the Action charged upon *Ligarius*; enquire what Town he aſſiſted in holding out. I ſay nothing; nor will I ſuggeſt what

* The *Roman* Magiſtrates were obliged, before they entered upon their Offices, to got hrough a painful Diſcipline in the *Forum*; in pleading Cauſes, in order to gain Clients to their Intereſts: *Cæſar* practiſed in this Manner, from the 21ſt to the 39th Year of his Age.

what perhaps would amount to a legal Proof before any Judge. *He went out as Lieutenant before the War; he was left to govern in a Time of Peace; he was overpowered in Time of War; in that, he was no keen Enemy; his Mind and Inclination being ſtill with you.* This might be my Language before a Judge; but I now plead before a Father: *I have done amiſs; I have acted raſhly; I am ſorry for it; I throw myſelf upon your Clemency; I beg pardon for my Offence; I intreat you to forgive it: If Forgiveneſs is with you unprecedented, I act with Arrogance; but if Inſtances of it are frequent, as you inſpire me with Hope, ſo bleſs me with Relief.* Shall *Ligarius* have no Reaſon to hope for himſelf, while I have room to intercede with you for another; Yet my Hopes of Succeſs in this Cauſe, neither reſt in this Speech, nor in the Application of your Friends in Favour of *Ligarius*.

For I have ſeen *, and I know what you regard, when Applications are made by many different Perſons, in favour of one, that the Motives of their Application give you more Delight than their Looks; nor do you reflect how much the Perſon who applies is your Friend; but how much he is the Friend of him for whom he intercedes. Therefore, ſo extenſive is your Liberality to your own, that they who

* All this Paragraph is ſo perplexed in the Original, and the Reading ſo uncertain, that I cannot be ſure if I have hit upon the Meaning.

who ſhare it ſometimes appear more happy to me than yourſelf who diſpenſe it. But as I ſaid before, the Motives of Supplicants prevail more with you than their Intreaties; and you are moſt affected by thoſe whoſe Sorrow in their Application you perceive to be beſt grounded.

In ſaving *Quintus Ligarius*, you will do indeed an agreeable thing to many of your own Friends. But reflect, as you uſually do, upon one Thing; I can produce to your View, the brave *Sabines* approved by you, the Flower of *Italy*, and the Strength of the State. You know them well; obſerve what Sorrow, what Sadneſs, ſit upon them all; of *Titus Brocchus*, who I know poſſeſſes your Eſteem; and of his Son, obſerve the Tears and the Dejection.

WHAT ſhall I ſay of his Brothers? Think not *Cæſar*, that what we are now a-doing affects the Safety but of one; you are now to fix three *Ligarius*'s in the City, or to root them out of it for ever. Welcomer will any Exile be to them, than their native Country, than their Home, than their Family-Gods can be, if but this Brother is to live in Baniſhment. If they act in a brotherly, in a pious, in an affectionate Manner; let their Tears, let their Piety, let their fraternal Love move you: Make your Word good, that victorious Word, for we heard you ſay, we looked upon all as Enemies,

if they were not with us; but that you looked upon all, who were not against you, as your Friends. Must you not then own that all this splendid appearance, all this Family of the *Brocchi*, this *Lucius Marcius*, this *Caius Cæsetius*, *Lucius Confidius*, and all these *Roman* Knights, who are present in mourning Apparel, whom you know, nay, whom you know to be Men of Worth, were your Friends? This *we* strongly resented; we demanded them, nay some of us threatened them. Preserve, therefore, their Friend, that this may be a shining Instance of that Veracity which has hitherto been found to attend all you say.

But if you could thoroughly perceive the Concord of the *Ligarii*, you would judge that you have had them all on your Side; therefore can there be any Doubt that if *Quintus Ligarius* could have been in *Italy*, he would have been in the same Way of thinking with his Brothers? Who is not sensible, that the Sentiment of that well-matched Brotherhood, breathe an almost unison Harmony? Who does not know that any thing may happen sooner than that these Brothers should be divided in their Sentiments or their Fortunes? The Hearts of them all therefore were with you. One was severed from you by a Storm; and even though the Separation had been effected by his own Design; yet still would he be on the same Footing with those whom you have since preserved.

But

But, admitting that he took up Arms, that he ſevered himſelf not from you only, but from his Brethren; yet ſtill theſe who implore you are your Friends. As, indeed, I have taken a Concern in all that concerns you, I well remember, how *Titus Ligarius*, when Quæſtor of the City, behaved with regard to your Perſon and Dignity. But needleſs is it for me to call this to mind; I hope that you, who uſe to forget nothing but Injuries, will, agreeable to your Sentiment and Nature, that you will, I ſay, upon recollecting, remember ſomewhat of his Conduct as a Quæſtor; eſpecially when you call to mind that of ſome others in the ſame Office.

The ſame *Titus Ligarius*, who at that Time acted only to give you an Opinion of his Zeal and Probity, (for this he could not foreſee,) from you now implores the Pardon of his Brother: Which when as a Reward of his Services you ſhall grant to both the Supplicants, you will reſtore the three Brethren of the greateſt Worth and Integrity, not to one another only, not only to that conſiderable numerous Body, and to us his intimate Friends, but to the Service of his Country.

The ſame Part therefore that you acted by *Marcus Marcellus* in the *Senate-houſe*, act here in the *Forum*, by theſe Brothers, of ſo great Worth,

Worth, and in ſuch Eſteem with this numerous Aſſembly. As you gave *Marcellus* to the Senate, give *Ligarius* to the People; whoſe Affections you have ever held in the higheſt Regard; and if that Day for you was glorious, ſo to the People of *Rome* it was delightful. Do not, I beſeech you *Cæſar*, heſitate to court, as oft as you can, every ſuch Opportunity; nothing is ſo popular as Goodneſs, and none of your many Virtues begets either great Admiration or Love than your Pity.

For in nothing does Mankind approach ſo near the Gods, as by giving Safety to Men. In your Fortune, there is nothing more exalted than that you have the Power, in your Nature there is nothing more amiable than that you have the Inclination, to preſerve Numbers. This Cauſe may perhaps require a longer, but your Diſpoſitions, I am certain, a ſhorter Speech than this. Therefore, as I think that my Speech, that no Man's Speech, can be near ſo prevailing as the Language of your own Heart; I will here break off, after putting you in Mind, that by preſerving the Man who is abſent, you preſerve all who are preſent.

End of the First Volume.